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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CONT.CAS(C) 1729/2024**

CHARU VERMANI BAFNAPetitioner
Through: **Mr. Deepak Acharya, Adv.**

versus

NIKHIL BAJAJRespondent
Through: **Mr. J.M. Kalia, Adv.**

CORAM:

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

% **05.11.2024**

CM APPL. 64572/2024 (Ex.)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

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3. The petitioner/wife is seeking initiation of the contempt proceedings against the respondent/husband for wilfully and contumaciously reneging from his undertaking forming part of the mutual consent petition under Section 13(B)(2) of the Hindu Marriage Act, 1955, as recorded by the learned Principal Judge, Family Court, South-West District Court, Dwarka Courts, New Delhi in the judgment dated 17.01.2020.

4. Learned counsel for the respondent/husband is present on advance notice.

5. Shorn of unnecessary details, it appears that the marriage between the parties has since been annulled by a decree of divorce by mutual consent. It appears that the respondent/husband undertook to make a total payment of Rs. 35 lakhs towards the permanent alimony



to the petitioner/wife as well as the two children, who are under care and custody of the petitioner/wife. It is acknowledged that the payments were made regularly for three years, but now the respondent/husband has moved an application before the concerned learned Principal Judge, Family Court, for modification of the undertaking given by him citing certain reasons.

6. It is submitted that the said application is coming up for hearing on 19.11.2024.

7. After some arguments, learned counsel for the petitioner/wife requests permission to withdraw the present contempt petition.

8. Accordingly, the present contempt petition is dismissed as withdrawn without prejudice.

DHARMESH SHARMA, J.

NOVEMBER 05, 2024

Sp/SA