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

+ **MAT.APP.(F.C.) 85/2018**

PROF V S BISARIA

.....Appellant

Through: In person

versus

RAGINI BAISARIA

.....Respondent

Through: Mr. Vikram saini and Mr. Dharmendra chaudhary, Mr. Dinkar Singh and Mr. Rohit Singh, Advs alongwith respondent through VC

CORAM:

HON'BLE MS. JUSTICE REKHA PALLI

HON'BLE MR. JUSTICE DHARMESH SHARMA

ORDER

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15.10.2024

CM APPL. 60508/2024

1. This is a joint application filed by the parties with a prayer that the appeal be disposed of in terms of the settlement agreement dated 04.10.2024 entered into between the parties before the Delhi High Court Mediation and Conciliation Centre. A copy of the settlement agreement has been annexed alongwith the application.

2. Learned counsel for the respondent submits that in accordance with the obligations imposed on her under the settlement agreement, the respondent has already withdrawn all the 5 criminal cases referred to therein. He however prays that since the lockers referred to in paragraph 7 of



the agreement are to be opened by the respondent alone based on 'No Objection Certificates' (NOCs) to be issued by the appellant, he be directed to forthwith furnish the requisite NOCs and also transfer the balance sum of Rs.25,00,000/- payable to the respondent as per the terms of the settlement. He further submits that since the parties have decided to part ways amicably, they will be moving a joint first motion before the learned Family Court seeking divorce by mutual consent within a period of two weeks but prays that the learned Family Court be directed to permit the parties to move second motion without waiting for the six months period prescribed under Section 13B of the Hindu Marriage Act.

3. The appellant who appears in person, assures the Court that he will issue the requisite NOCs and transfer the balance sum of Rs.25,00,000/- in favour of the respondent within ten days. Further since the keys to the aforesaid lockers are not traceable, he has no objection to the lockers being opened by the respective banks by breaking the locks on the basis of the NOCs to be issued by him. He also joins the respondent in praying that the learned Family Court be directed to grant waiver to the parties in respect of the period prescribed under Section 13B(2) of the Hindu Marriage Act for moving the second motion.

4. In the light of the stand taken by the parties, the application is allowed and the appeal is disposed of in terms of the settlement agreement dated 04.10.2024. Both sides will remain bound by the terms of the settlement and as agreed between them, they will within two weeks move a joint petition under Section 13B of the Hindu Marriage Act seeking divorce by mutual consent before the learned Family Court.

5. Further, taking into account that the parties have by way of the



aforesaid agreement already decided to part ways amicably, we request the learned Family Court to consider granting appropriate waiver to the parties for moving the second motion for divorce by mutual consent.

6. The appeal accordingly stands disposed of in the aforesaid terms. The next date fixed in the matter stands cancelled.

REKHA PALLI, J

DHARMESH SHARMA, J

OCTOBER 15, 2024/Ab