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

+ **CONT.CAS(C) 117/2024**

NARESH KUMAR GUPTA

.....Petitioner

Through: Mr. Abhinav Sharma, Ms. Avsi
Malik, Mr. Shubham, Advs. with
petitioner in person.

versus

MONIKA JAIN

.....Respondent

Through: Mr. Sheikh Imran A., Mr. Rahul
Kumar Jain, Mr. Riyasuddin, Advs.
along with respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

22.12.2025

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1. This hearing has been done through hybrid mode.
2. The present petition under Sections 10 and 12 of the Contempt of Courts Act, 1971, seeks the following prayers: -

“(a) Initiate appropriate contempt of court proceedings against the respondent herein and prosecute / punish the respondent in accordance of law

(b) Pass an order restoring the parties to their position before the execution of the Settlement Agreement dated 07.08.2023;

(c) Pass such further direction(s) and other order(s) as this Hon’ble court may deem fit and proper in the facts and circumstances of the case and in the interest of justice.”

3. In settlement agreement dated 07.08.2023 arrived between the parties, before the Court of learned Principal Judge (South), Family Court, Saket, New Delhi, Counselling Cell, the following terms were agreed upon by the parties: -



“3. It is agreed between the parties that husband shall pay to the wife a sum of Rs.16,00,000/- (Rupees Sixteen Lacs only) as full and final settlement amount against istridhan, dowry and maintenance towards past, present and future qua this marriage in 4 installments and in which 1 installment of Rs.5,00,000/- (Five Lacs only) will be given FD in the name of Child Aadish Jain and its nominee will be his Mother, Monika Jain. The said FDR will not encashed earlier then the child getting the age of 18 years.

4. It is agreed between the parties that the husband will pay a sum of Rs.4,00,000/- (Four Lacs only) to wife at the time of recording the statement of first motion by way of DD. The First Motion will be filed on or before 10/09/2023.

5. It is agreed between the parties that the husband will pay a sum of Rs.3,50,000/- (Three Lacs Fifty Thousands only) to wife at the time of recording the statement in compounding/quashing of FIR17/2013 u/s. 406 IPC PS: CAW Nanakpura pending before Dwarka Court/ High court by way of DD. The Application/ Petition will be filed by the Accused by with in one week after recording the statement of the parties in First Motion petition.

6. It is agreed between the parties that the husband will pay a sum of Rs.3,50,000/- (Three Lacs Fifty Thousands only) to wife at the time of withdrawing the Criminal Revision/ Appeal Crl. Mc.1522/2019 by the wife pending before Hon'ble High Court the said application for withdrawing the petition will be filed with in one week after recording the statement of the parties in First Motion petition.

7. It is agreed between the parties that the husband will pay a sum of Rs.5,00,000/- (Five Lacs only) will be given by way of FD in the name of Child A dish Jain and its nominee will be his Mother, Monika Jain. The said FDR will not encashed earlier then the child getting the age of 18 years. The said FD will handover at the time of recording the statement of Second motion by way of DD. The Second Motion will be filed at the earliest. It has been agreed between the parties that all the cases pending between them will be withdraw by the parties before filing the second motion.”

4. Learned counsel appearing on behalf of the respondent submits that the latter is willing to come forward for signing of the second motion subject to petitioner giving an undertaking that he shall abide by the following portion



of the joint statement of the parties recorded on 06.09.2023 before the learned Principal Judge, Family Court, Saket, New Delhi, which reads as under: -

“3. It is explained to both the petitioners in vernacular that by this agreement child is not bound and her right to claim maintenance or the right in the property or any other right cannot be extinguished and she is free to claim the same at any time. We have understood the same and agreed to this situation still we want to continue to act upon this mutual consent to dissolve our marriage. The right of the child is not affected due to this agreement.”

5. Petitioner, who is present in-person in the Court today, undertakes to abide by the aforesaid statement.
6. In view of the above, the present petition is disposed of with the aforesaid undertaking of the petitioner as well as of the respondent that she will now come forward for the second motion within a period of 4 weeks from today.
7. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

DECEMBER 22, 2025/kr