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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ MAT.APP.(F.C.) 115/2023 & CM APPL. 21751/2023

GEETA SAGAR

.....Appellant

Through: Mr. J. M. Akbar, Adv.

versus

AMIT KUMAR

.....Respondent

Through: Mr. Nishchal Khanna, Adv.

CORAM:

JUSTICE PRATHIBA M. SINGH

JUSTICE RAJNEESH KUMAR GUPTA

ORDER

% **04.07.2025**

1. This hearing has been done through hybrid mode.
2. The present appeal arises out of the impugned judgment and decree dated 22nd February, 2023 passed by the Id. Principal Judge, Family Court South, Saket Courts, New Delhi in **HMA No. 1100/20150** by which a decree of divorce has been passed in the following terms:-

“ISSUE NO.3: RELIEF

86. In view of my above findings, the petitioner has duly proved that respondent has treated him with cruelty. Accordingly, petition is allowed. A decree of divorce is passed under Section 13 (1) (ia) of Hindu Marriage Act, 1955, in favour of petitioner and against the respondent on the ground of cruelty, thereby dissolving the marriage of the petitioner Amit Kumar with respondent Geeta Sagar. No order as to costs. Decree sheet be drawn accordingly. File be consigned to Record Room.”



3. When the present appeal was listed for the first time on 1st May, 2023, an interim order was passed in the following terms:-

“1. Appellant impugns the order dated 22.02.2023, whereby the petition filed by the respondent under Section 13(1)(ia) of the Hindu Marriage Act, 1955 has been allowed and decree of divorce passed.

2. Learned counsel for the appellant submits that the Family Court has relied upon the alleged voice recording in a CD as well as the transcript for holding that the appellant was cruel. He submits that the CD was not duly proved in accordance with law and even a certificate under Section 65B was neither filed nor proved and even the primary evidence was not produced.

3. Issue notice, returnable on 21st August, 2023.

4. Learned counsel for the appellant under instructions submits that as per the information of the appellant, the respondent has not remarried in the meantime.

2. Accordingly, till the next date of hearing, the operation of the impugned order dated 22.02.2023 shall remain stayed. Consequently, the respondent shall be restrained from solemnizing another marriage till the next date of hearing.

3. Digital copy of the Family Court record be requisitioned.

4. Order Dasti under the signatures of the Court Master.”

4. The above interim order is to the effect that the Respondent cannot re-marry till the next date. This order has been operating for more than two years now.

5. The matter has been pending to explore the possibility of mediation. Unfortunately, mediation has not materialised. The mediation having now failed, the merits of the judgment would have to be looked at.



6. The Petitioner and the Respondent have not been living together for last more than a decade. The couple have a daughter who is about 11 years old and is living with the Appellant/ mother.

7. The Court has heard the submissions of Id. Counsel for the Parties. It is clear from the submissions made by Id. Counsels, that the Appellant is also looking for a final comprehensive monetary settlement. The Court is informed that the Respondent works as Medical Attendant at VMMC & Safdarjung Hospital.

8. Under these circumstances and bearing in mind the amounts that have been mentioned by the parties during the course of submissions, it is clear that the Appellant is expecting a sum of Rs. 15,00,000/- as full and final settlement of all disputes. Moreover, this Court is also of the opinion that the personal life of the parties cannot also be curbed including by an interim order restraining the Respondent from re-marrying. In the course of litigation, years would pass by but lives of parties would remain stand-still, if the same is not resolved. Id. Counsel have, after some submissions, agreed for a settlement to be recorded between the parties on the following terms:

- a. The Respondent has agreed to pay to the Appellant a sum of Rs. 10 lakhs as full and final settlement of all disputes, including withdrawal of the domestic violence proceedings;
- b. The daughter of the parties is presently stated to be 11 years of age. The Respondent has agreed to pay to the daughter a sum of Rs. 5 lakhs, on her 18th birthday *i.e.*, on 12th November, 2032;
- c. The Appellant was being paid a sum of Rs. 12,500/- as monthly maintenance. The same has not been paid for the last three months. Accordingly, out of the sum of Rs. 10 lakhs, a sum of Rs. 1 lakh shall



- be paid by the Respondent to the Appellant by 15th July, 2025. After the payment of Rs. 1 lakh, interim maintenance shall be continued to be paid till 31st October, 2025 @ Rs.12,500/- per month;
- d. The Respondent has agreed to deposit the remaining sum of Rs. 9 lakhs with the Registrar General of this Court by 31st October, 2025. Upon the said deposit, being made, the Appellant is free to move an application seeking release of the said amount;
- e. Subject to compliance of the above conditions, the decree of divorce dated 22nd February, 2023 is confirmed by this Court;
- f. Ld. Counsel for the Appellant undertakes that subject to the Respondent adhering to the terms agreed today, the Appellant shall not press any other proceedings against the Respondent.
9. Both parties have consented to the above terms. The decree of divorce is, accordingly, upheld in view of the settlement.
10. Interim order dated 22nd February, 2023, accordingly stands vacated.
11. The petition is disposed of in the aforesaid terms. Pending application is also disposed of.

PRATHIBA M. SINGH, J.

RAJNEESH KUMAR GUPTA, J.

JULY 4, 2025

kk/msh