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

% *Date of decision:12th October, 2023*

+ MAT.APP.(F.C.) 274/2023 & CM APPL. 47604/2023

SAMVIT DHAR THROUGH SPA Appellant

Through: Mr. Sunil Mittal, Senior Advocate
with Ms. Swaty Singh Malik, Mr.
Rohan Kumar and Ms. Anjali Gupta,
Advocates with appellant in VC and
his SPA Holder/father in person

versus

RHYTHMA KAUL Respondent

Through: Mr.S.Rajappa & Mr.R. Gouri
Shankar, Advocates with respondent
in person

CORAM:

HON'BLE MR. JUSTICE SURESH KUMAR KAIT

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

J U D G M E N T (oral)

1. The present appeal has been filed under Section 19(1) of the Family Courts Act, 1984 read with Section 28 of Hindu Marriage Act, 1955 by the appellant challenging the Judgment and Order dated 05.08.2023 passed by learned Family Court whereby the appellant has been directed to pay monthly maintenance of Rs.50,000/- to the respondent-wife.

2. The parties are present in person with their respective counsel. We have interacted with the parties in the Court for a substantial time and the parties have voluntarily agreed to settle *inter se* disputes mutually on



following terms and conditions:-

- (i) The parties have agreed to file a joint petition under Section 13-B of the Hindu Marriage Act, 1955 to seek divorce by mutual consent.
- (ii) That an amount of Rs.60 lakhs shall be paid by and on behalf of the appellant-husband to the respondent-wife towards full and final settlement of all the claims, including *stridhan*, maintenance, alimony, etc.
- (iii) That the amount of Rs.10 lakhs shall be paid by and on behalf of the appellant-husband at the time of withdrawal of case, i.e. DV No.283/2020 pending before learned District Court, Gurugram, Haryana, filed by the respondent-wife under the provisions of Protection of Women from Domestic Violence Act, 2005. The said case shall be withdrawn by the respondent-wife within 10 days.
- (iv) That an amount of Rs.25 lakhs shall be paid by and on behalf of the appellant-husband to respondent-wife at the time of filing of first motion under Section 13B(I) of the Hindu Marriage Act, 1955 before the learned Family Court which shall be filed within 15 days, thereafter.
- (v) That the appellant-husband shall also withdraw the case filed by him against respondent-wife, i.e. CRM No.3437/2022 pending before learned District Court, Gurugram, Haryana, after recording of statements in



the First Motion.

- (vi) That the respondent-wife shall withdraw the case, i.e. HMA No.590/2020, pending before learned Family Court, Patiala House, New Delhi on the date of making the statement at the time of First Motion.
- (vii) That the parties shall thereafter file joint petition under Section 13B(II) of the Hindu Marriage Act, 1955 within 15 days of withdrawal of aforementioned cases and the balance amount of Rs.25 lakhs shall be paid at the time of passing of Second Motion by the Family Court.
- (viii) That if after receiving payment of any amount, respondent-wife does not come forward to proceed for remaining part of the settlement within the time stipulated, she shall be liable to return the said amount with interest @ 6% p.a. to appellant-husband.
- (ix) If after payment of any amount, father of appellant-husband does not come forward for remaining part of the settlement within the given time, the amount paid by and on behalf of the appellant to respondent shall stand forfeited and the father of appellant shall have no right to claim the said amount.

3. Both the parties have mutually agreed and undertaken that they shall remain bound by the settlement reached before this Court today and shall withdraw/get quashed all the pending litigations against each other or their family members arising out of this marriage and the erring party shall be



liable to be prosecuted under the provisions of Contempt of Courts Act, 1971.

4. The aforesaid undertaking furnished on behalf of both the sides is taken on record.

5. In the light of above, appellant submits that the present appeal be disposed of, however seeks liberty to get it revived, if need be.

6. The present appeal and pending application, if any, are accordingly disposed of, with liberty as prayed for.

(SURESH KUMAR KAIT)

JUDGE

(NEENA BANSAL KRISHNA)

JUDGE

OCTOBER 12, 2023/rk/Va