

Arvind Singh vs.neeraj

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Court : Delhi

Decided On : Dec-20-2018

Appellant : Arvind Singh

Respondent : Neeraj

Judgement :

\$~23 * IN THE HIGH COURT OF DELHI AT NEW DELHI % + Judgment delivered on:

20. 12.2018 CRL.REV.P.476/2015 & Crl.M.A.10884-10886/2015 & 29358/2018
ARVIND SINGH NEERAJ versus

... Petitioner

..... Respondent Advocates who appeared in this case: For the

... Petitioner

For the Respondent : Mr.Rahul Rohtagi, Adv. with petitioner in person. : Mr.Arvind Kumar, Adv with respondent in person. CORAM:-

"HONBLE MR JUSTICE SANJEEV SACHDEVA JUDGMENT2012.2018
SANJEEV SACHDEVA, J.

(ORAL) 1.

... Petitioner

impugns order dated 29.08.2014 whereby the petition filed by the petitioner impugning order dated 28.06.2013 of the Trial Court awarding maintenance to the respondent and the two children was dismissed.

2. Parties were referred to mediation, however, the mediation could not succeed. Subsequently, parties once again attempted to settle their disputes and finally their disputes have been settled. CRL.REV.P. 476/2015 Page 1 of 3 Settlement Deed dated 20.12.2018 has been executed.

3. Parties are present in person in Court as also represented through their counsel. Settlement Deed dated 20.12.2018 has been produced in original in Court. Same is taken on record.

4. In terms of the Settlement Deed, petitioner has agreed to pay a total amount of Rs.35 lakhs in full and final settlement of all claims of the respondent. Sum of Rs.15 lakhs has been agreed to be paid on or before 20.02.2019 at the time of recording of the statement of the first motion in mutual divorce petition. Second instalment of Rs.20 lakhs is agreed to be paid on or before 30.04.2019 at the time of recording of the statement of the second motion.

5.

... Petitioner

had earlier applied for grant of divorce and was granted an ex parte decree of divorce. On an application by the respondent, said decree of divorce was set aside. Parties have agreed that they shall apply for divorce by mutual consent before the Saket Courts, New Delhi as respondent is a permanent resident of Saket, New Delhi.

6. Parties also submit that in view of the disputes between the parties which are being pending since 2009, they shall be applying to the concerned Court for waiver of the six months waiting period between first motion and the second motion.

7. Further, it is pointed out by the petitioner that the pensionary CRL.REV.P. 476/2015 Page 2 of 3 and retirement benefits of the petitioner were withheld by

the Army authorities. Learned counsel for the respondent submits that subject to petitioner complying with the terms and conditions of the Settlement Deed, he would have no objection if the said amount is released by the Army authorities to the petitioner.

8. Learned counsel for the parties under instructions pray that the subject petition be disposed of in terms of the Settlement Deed.

9. In view of the above, the petition is disposed of. Settlement Deed dated 20.12.2018 shall form part of this order. Parties shall remain bound to perform their respective obligations under the settlement agreement.

10. The next date of 07.02.2019 stands cancelled.

11. Order Dasti under signatures of the Court Master. DECEMBER20 2018 rk SANJEEV SACHDEVA, J CRL.REV.P. 476/2015 Page 3 of 3

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