

Anidita Das vs Dr. Srijit Das on 14 February, 2023

Author: Rekha Palli

Bench: Rekha Palli

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* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ MAT.APP. 13/2007 & CM APPL. 30667/2022 -Vac. of stay.
ANIDITA DAS

..... A

Through: Ms. Madhumita Bhattachargee, Ms.
Arushi Mishra and Ms. Srija Choudhury, Adv

versus

DR. SRIJIT DAS

..... Res

Through: Mr. Pramod Ahuja and Ms. An
Sharma, Adv.

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI
ORDER

% 14.02.2023

1. The present appeal, preferred by the wife, seeks to assail the judgment dated 25.12.2006 passed by the learned Trial Court in HMA No. 205/2003. Vide the impugned judgment, the marriage between the parties was dissolved under Section 13(1) (ia) of the Hindu Marriage Act, 1955.

2. Learned counsel for the parties submit that taking into account that the appeal has remained pending for the last 16 years during which period the operation of the impugned order remained stayed, the parties have now decided to bring a quietus to the litigation and have, therefore, arrived at an amicable settlement. They have agreed that while the decree of divorce granted in favour of the respondent will stand, the observations made therein regarding the appellant's conduct be expunged. Furthermore, the respondent will pay a sum of Rs. 38 lakhs towards full and final settlement towards the maintenance claim of the appellant. The said amount, it is agreed, will be paid in three instalments with a sum of Rs.10 lakhs being paid on or before 01.03.2023 and the remaining amount of Rs.28 lakhs in two equal instalments of Rs.14 lakhs each to be paid on 07.06.2023 and 07.09.2023, respectively. The amounts will be remitted directly into the following bank account of the appellant:

Name:	Anidita Ghose Das,
Account No.:	SBA 090001509246
IFSC Code:	ICIC0000900
Bank Name:	ICICI Bank

Branch:	Dunlop, Kolkata
Swift Code:	ICICINBB006
	ICICINBBNRI

3. In the light of the aforesaid settlement arrived at between the parties, the appeal is disposed of without interfering the impugned judgement by binding the parties to the terms noted hereinabove. The observations made in the judgment against the respondent will however stand expunged. It is made clear that once the appellant receives the aforesaid amount of Rs.38 lakhs, neither she nor the son of the parties, who is residing with the appellant will have any claim whatsoever against the respondent. The appellant also undertakes to withdraw all her pending proceedings against the respondent after she receives the amounts in terms of this order. However, till the amount towards the last instalment in terms of this order is paid by the respondent, the parties will mutually seek adjournment(s) in all the pending proceedings.

4. Needless to state, in case the respondent defaults in making payment to the appellant in terms of this order, it will be open for the appellant to seek revival of the present appeal.

REKHA PALLI, J FEBRUARY 14, 2023/acm