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

+ **CONT.CAS(C) 83/2024 & CM APPL. 3192/2024**

GANDHARV BHARAL

..... Petitioner

Through: Ms. Priyam Agrawal, Mr. Abhishek
Batra and Mr. Anupam S Sharma,
Advocates.

versus

SMT. DIKSHA

..... Respondent

Through: Mr. Praveen Suri, Advocate. (Mob.
9810928188)

CORAM:

HON'BLE MS. JUSTICE MINI PUSHKARNA

ORDER

18.01.2024

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1. The present petition has been filed alleging that the respondent has acted in complete violation of the Memorandum of Understanding ("MOU") dated 16th March, 2023 and the affidavit-cum-undertaking dated 17th March, 2023.

2. Attention of this Court has been drawn to the order dated 1st May, 2023 passed by the Court of Principal Judge, Family Court, South, Saket Court, New Delhi in HMA No. 664/2023, wherein it had been recorded as follows:

"xxx xxx xxx

6. *Petitioner no. 1 and 2 have amicably resolved all their disputes pertaining to this marriage including stridhan, permanent alimony, dowry articles and maintenance (past, present & future) for a total sum of Rs. 45 lakhs in terms of the settlement arrived between us outside the court on 16.03.2023, copy of which is Ex.-P-9. Out of the aforesaid settled amount, a sum of Rs. 5 lakhs has already been paid to petitioner no.1/wife on 16.03.2023. Second installment of Rs. 20 lakhs has been paid today by way of Cheque bearing No. 630705,*



dated 01.05.2023, drawn on SBI Bank, Delhi in the name of petitioner No. 2. The remaining installment of Rs. 20 lakhs shall be paid at the time of second motion.

7. Both the petitioners state that their consent to this petition has not been obtained by coercion, fraud, pressure or undue influence and that they have given the consent to this petition voluntarily. The present petition has not been filed by them in collusion with each other.

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9. From the perusal of the testimony of the petitioners, it transpires that the petitioners have filed the present petition with their free consent without any collusion, pressure, coercion, duress or undue influence, as such, there is no legal impediment in allowing the prayer of the petitioners.

xxx xxx xxx”

3. Thus, it is submitted that the settlement between the parties was with the consent of both the parties.

4. After some arguments, learned counsel appearing for the petitioner submits that he wishes to resolve all the disputes with the respondent.

5. Mr. Praveen Suri, Advocate appears on advance notice on behalf of the respondent. He disputes the aforesaid submission made on behalf of the petitioner. However, he submits that he has no objection if the matter is referred to Mediation.

6. With the consent of the parties, list the matter before the Delhi High Court Mediation and Conciliation Centre on 24th January, 2024.

7. List before the Court on 15th March, 2024.

MINI PUSHKARNA, J

JANUARY 18, 2024

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