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SLP(C)No. 15467 OF 2001

ITEM No.67

Court No. 7

SECTION XIV
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil) No.15467/2001

(From the judgement and order dated 18/05/2001 in FAO 228/2001
of The HIGH COURT OF DELHI AT N. DELHI)

AKASH @ YUSUF HUSSAIN

Petitioner (s)

VERSUS

KANCHAN B.R.

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 16/09/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE U.C. BANERJEE
HON'BLE MR. JUSTICE B.N. AGRAWAL

For Petitioner (s) Mr. Arun Khosla, Adv.
Ms. Manisha Singh, Adv.
Mr. M.A.Chinnasamy, Adv.

For Respondent (s) Mr. Y.P.Narula, Sr. Adv.
Mr. Abhijeet Chatterjee, Adv.
Mr. Chanchal Kumar Ganguli, Adv.

UPON hearing counsel the Court made the following
O R D E R

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.SP2

Heard learned counsel for the parties for about
ten minutes.

Leave granted.

The appeal stands disposed of in terms of the
signed order.

.SP1

(K.K. Chawla)
Court Master

(Shelly Sengupta)
Court Master

[Signed order is placed on the file]

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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2002@@
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(ARISING OUT OF SLP (CIVIL) NO.15467 OF 2001)

AKASH @ YUSUF HUSSAIN

APPELLANT

VERSUS

KANCHAN B.R.

RESPONDENT

O R D E R@@
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.SP2

Leave granted.

Upon hearing the submissions made on behalf of the parties and since the parties have agreed to arrive at a settlement, this appeal stands disposed of in the manner following:-

1. The appellant-herein shall make available to the respondent a sum of Rs.20,00,000/- (Rupees Twenty Lacs Only) as full and final payment. On receipt of the sum of Rs.20,00,000/-, the respondent will enter up and accord satisfaction and send out a note to the effect that she has no other claim on any count whatsoever against the appellant herein.

..2/-

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2. Both the parties shall file a consent petition for divorce before the appropriate court within a period of four weeks from the date hereof. The appellant's advocate-on-record will communicate the date of arrival of the appellant to the respondent's advocate so as to enable the respondent-herein to file the consent petition for divorce before the concerned Court. There should not be any deviation from the date which may be intimated to the respondent's advocate.

3. The payment of the above noted sum of Rs.20,00,000/- (Rupees Twenty Lacs Only) shall be effected within a period of 48 hours of the date of signing of the consent petition for divorce.

4. It is clarified that all due charges payable for premises No. MA-1/4-3A, Garden Estate, Gurgaon on and from 18.5.2000 shall be paid by the respondent-herein and any earlier payment due to the society and any dues accruing prior to the said date, however, will be met by the appellant-herein.

..3/-

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5. In the event of the consent petition for

divorce is filed, the learned trial court would be at liberty to consider waiver of the six months' period for filing of the second motion.

6. The respondent is directed to vacate the premises immediately and within a period of 48 hours from the date of receipt of the money. The payment shall be made by bank draft or banker's cheque or pay order.

The appeal is disposed of accordingly.

.SP1

.....J.
(U.C. Banerjee)

.....J.
(B.N. Agrawal)

New Delhi,
September 16, 2002.