

S U P R E M E      C O U R T   O F      I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl) No(s).4260/2009

(From the judgement and order dated 27/05/2009 in CRLMC No. 1420/2009 of The HIGH COURT OF DELHI AT N. DELHI)

GAYATRI HAZARIKA CHALIHA & ANR.

Petitioner(s)

VERSUS

AVIJIT CHALIHA & ANR.

Respondent(s)

(With appln(s) for stay and dismissal of SLP and release of Maintenance amount deposited in Metropolitan Magistrate Court and placing on record the memo of understanding and office report)

Date: 14/05/2010      This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE C.K. PRASAD

For Petitioner(s)      Ms.    Malvika Rajkotia, Adv.  
   Mr.    L.R. Singh, Adv.  
   Mr.    Vaibhav Vats, Adv.  
   Mr.    Praveen Swarup, Adv.

For Respondent(s)      Mr. Hrishikesh Baruah, Adv.  
   Mr. Nishant Das, Adv.  
   Mr. Jagjit Singh Chhabra, Adv.

Mr. P.K. Dey, Adv.  
Ms. Sadhana Sandhu, Adv.  
Mrs Anil Katiyar ,Adv

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

During the pendency of the petition, the parties have entered into a settlement. A Memorandum of Understanding dated 6th April, 2010, executed between them has been placed on record. In terms of the said memorandum, respondent No. 1 has issued two post-dated cheques in the sum of Rs. 8 lakhs each, payable on 30 th June, 2010 and 30 September, 2010. An affidavit has

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also been filed by the said respondent whereby, he has undertaken to ensure that the said two cheques shall be encashed on presentation by the due dates without any demur or objections.

In view of the settlement, let the parties file a petition under Section 13-B(1) of the Hindu Marriage Act, 1955, for divorce by mutual consent in the Family Court concerned.

We further direct that in the meanwhile, further proceedings in various cases, list whereof has been annexed as Schedule I to the Memorandum of Understanding shall remain stayed.

List for directions in the second week of  
November, 2010.

[ Charanjeet Kaur ]  
Court Master

[ Pushap Lata Bhardwaj ]  
Asstt. Registrar