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

+ MAT.APP.(F.C.) 305/2019

MUNISH JAIN

..... Appellant

Through: Mr. Sunil Satyarthi, Ms. Amita Saxsena, Mr. Amitanshu Satyarthi, Ms. Archisha Satyarthi, Mr. K K Ojha, Advs. with Petitioner

versus

SHIKHA JAIN

.....Respondent

Through: Mr. Sidhant Kumar, Mr. Yudhister Sharma, Mr. Om Batra, Advs. with Respondent

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

HON'BLE MR. JUSTICE AMIT BANSAL

ORDER (ORAL)

16.05.2025

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CM APPL. 28275/2025 and CM APPL. 26685/2025

1. These applications have been filed by the appellant-husband and the respondent-wife respectively seeking modification of the order dated 18th September 2024 passed by this Court.

2. Based on the settlement arrived at between the parties, this Court had passed the order dated 18th September 2024.

3. The concern of the respondent-wife is with regard to directions (v) and (vi) contained in paragraph 5 of the order dated 18th September 2024, which are set out below:

“v. The Appellant shall gift the flat/property wherein the Respondent and the children of the parties are residing i.e., Flat



No. B-403, Plot No. 4 and 6, Sector-17, Sanpada Sea Wood Garden, Navi Mumbai (hereinafter referred to as the 'said property') to the Respondent by way of a registered deed. The Appellant shall clear all dues arising prior to the execution of the gift deed in respect of the said property such as property tax, society, water and electricity dues. The Appellant shall also bear all expenses related to stamp duty and registration charges for the purpose of transfer of said property in the name of the Respondent. The Appellant shall also hand over all original documents with respect to the said property to the Respondent.

vi. The said property shall be conveyed to the Respondent within 10 days from the date of allowance of the second motion petition by the Family Court.”

4. Mr. Siddhant Kumar, learned Counsel appearing for the respondent-wife submits that instead of the gift deed being executed 10 days after the second motion petition is allowed by the Family Court, it should be executed before the second motion petition is allowed by the Family Court. He submits that the registered gift deed can be placed before this Court by the concerned Registrar to be released in favour of the respondent-wife only after the second motion petition is allowed.

5. Mr. Kumar, on instructions from the respondent-wife who is also present virtually, submits that the respondent-wife shall not apply for any certified copy of the registered gift deed from either the concerned Registrar or the Registry of this Court.

6. Mr. Kumar also submits, on instructions from the respondent-wife, that on the next date of hearing before the Family Court i.e. 31st May 2025, the respondent-wife shall give her no objection to the second motion petition filed by the parties.



7. Having heard learned Counsel for the parties, we are inclined to allow the aforesaid request and pass the following directions with the consent of the parties:

- i. The gift deed shall be executed and registered within 10 days from today.
- ii. Upon registration of the gift deed, the concerned Registrar shall send the original gift deed directly to the Registrar General of this Court. The same shall be kept in safe custody of the Registry of this Court.
- iii. Parties shall appear before the Family Court on the next date of hearing i.e. 31st May 2025 and give their respective consents to the second motion petition.
- iv. It is made clear that in the event the respondent-wife does not give her consent for the second motion petition on the next date of hearing before the Family Court, this Court shall be inclined to cancel the gift deed.
- v. The appellant-husband would not be liable to pay maintenance amount of ₹ 30,000/- per month after 31st May 2025.

8. All other directions contained in the order dated 18th September 2024 shall remain unchanged.

9. These applications stand disposed of in the aforesaid terms.

C. HARI SHANKAR, J.

AMIT BANSAL, J.

MAY 16, 2025

dsm

Click here to check corrigendum, if any