

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 674/2017

JULIE NIMESH DIYORA

PETITIONER (S)

VERSUS

NIMESH MANSUKHLAL DIYORA

RESPONDENT (S)

O R D E R

1. The case before us is essentially a matrimonial dispute. The petitioner has sought for transfer of Petition NO.A-195/2016 from Family Court at Bandra, Mumbai to Family Court, Bilaspur, Chhattisgarh.

2. On 12.09.2017, this Court referred the matter to the Principal Judge, Family Court, Bilaspur, Chhattisgarh.

3. It has been reported by the Principal Judge, Family Court, Bilaspur, Chhattisgarh that the parties have amicably settled their disputes and have decided to part. The petitioner is to get an amount of Rs.12,00,000/- towards permanent alimony. Learned counsel for the petitioner submits that the amount has been received.

4. Under such circumstances, the parties have filed an application for divorce by mutual consent. Since, the wife/Julie Nimesh Diyora could not appear before this Court on account of certain personal difficulties, the parties were directed to appear before the Principal Judge, Family Court, Bilaspur,

Chhattisgarh. The Principal Judge, Family Court, Bilaspur, Chhattisgarh has submitted the following report:-

"In order to compliance the order of Hon'ble Apex Court in transfer petition (Civil) No.674 of 2017 with interlocutory application No.1/2017, both the parties (Julie Nimesh Diyora, W/o. Shri Nimesh Diyora, Presently residing at: opposite Railway Maharashtra - Mandal, Tikrapara, Bilaspur, Chhattisgarh, 495001, And Nimesh Mansukhlal Diyora, R/o. A-5 Chandanbala Apartment, Murar Road, Mulund (West), Mumbai 400080) has appeared before this Court on 13.09.2017 at 12.00 Noon.

This Court has interacted with both the parties, and found undisputed that marriage of both the parties has been solemnized at the office of the Marriage officer, Mumbai Suburban District, Bandra on the 01.12.2014, under Special Marriage Act, 1954.

After interacting with the parties, it is found that from February 2015, Nimesh and Julie were both living separately in Mumbai and Bilaspur respectively. They have not been living together since February 2015 and cannot live together, living together is not probable in the future, they are childless and there is no dispute between them regarding property. Today, Julie Nimesh demanded travel expenses for appearance before the Family Court Bandra on 07.08.2017

from Nimesh Mansukhlal. Nimesh Mansukhlal paid Rs.15,000/- (fifteen thousand) to Julie Nimesh today itself for the same.

Julie Nimesh has expressed that she has received Rs.12 lakhs for permanent alimony that they have mutually agreed to divorce, and in this regard by mutual consent they have petitioned for divorce in the Hon'ble Supreme Court of India, they have no collusion between them and even today they are in mutual agreement in respect of divorce.

Thus, this report is submitted for the kind perusal of the Hon'ble Court."

5. In view of the circumstances referred to in the report of the Family Court and having regard to the background of the long pending litigations between the parties, we are of the view that this is a fit case where the parties should be granted divorce by mutual consent without insisting on any further period between motions.

6. Accordingly, the marriage between the petitioner/Julie Nimesh Diyora and the respondent/Nimesh Mansukhlal Diyora is dissolved by a decree of divorce by mutual consent.

7. In view of the settlement, there shall be no further litigations between the parties and hence Case No.33/2017 pending before Judicial Magistrate First-Class Bilaspur, Chhattisgarh is quashed.

8. The transfer petition is, accordingly, disposed of.

9. Pending application(s), if any, shall stand disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
SEPTEMBER 21, 2017.

ITEM NO.4

COURT NO.5

SECTION XVI-A

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

TRANSFER PETITION (CIVIL) NO. 674/2017

JULIE NIMESH DIYORA

PETITIONER(S)

VERSUS

NIMESH MANSUKHLAL DIYORA

RESPONDENT(S)

(WITH STAY APPLICATION ON IA 1/2017 AND
IA NO.76802/2017-PERMISSION TO FILE APPLICATION FOR DIRECTION AND
IA NO.88967/2017-JOINT APPLICATION FOR DIVORCE)

Date : 21-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Mr. Apoorva Bhumes, AOR
Ms. Madhavi Khare, Adv.
Mr. Shivang Dubey, Adv.

For Respondent(s) Ms. Pratiksha Sharma, AOR
Mr. Ankit Aacharya, Adv.

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

The transfer petition is disposed of in terms of the signed
order.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR

(Signed order is placed on the file)