

District Judge, at Serampore, District Hoogly, West Bengal to the Court of District Judge, Family Court, Gurugram, Haryana.

However, in the facts of this case, we also direct as follows:

The transferee Court will take up the settlement which is signed by the parties and consider it in terms of Order XXIII of the Code of Civil Procedure, 1908, as to whether there is any merit in the case of the petitioner that the settlement was procured by undue influence.

We make it clear that the inquiry will be limited only to the aspect of there being undue influence.

If the Court after taking the inquiry under Order XXIII CPC comes of the conclusion that the settlement was brought about as alleged by the petitioner, then the Court will proceed with the case which has been transferred. In case, it is otherwise, that is, it is found that the settlement is not afflicted with undue influence, the Court will, along with its findings, send back the matter to this Court. The transfer petition is disposed of as above.

We direct that the aforesaid inquiry shall be conducted by the District Judge, Family Court, Gurgaon, which shall conclude the inquiry as aforesaid within a period of three months.

It will be open to the respondent to move this Court for any directions on the basis of the findings of the

TP (C) NO. 713/ 2020

Family Court.

The transfer petition is allowed as above.

....., J.
[K.M. JOSEPH]

....., J.
[B.V. NAGARATHNA]

**New Delhi;
February 27, 2023.**

ITEM NO.1

COURT NO.3

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. 713/2020

NAVITA CHATTERJEE NEE AGGARWAL

Petitioner(s)

VERSUS

PRIYADARSHI CHATTERJEE

Respondent(s)

(Mediation Report and Settlement Agreement has been received.)
(With IA No. 60787/2020 - APPLICATION FOR EXEMPTION FROM FILING
ORIGINAL VAKALATNAMA/OTHER DOCUMENT and IA No. 13475/2021 -
APPROPRIATE ORDERS/DIRECTIONS and IA No. 60785/2020 - STAY
APPLICATION)

Date : 27-02-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s)

Mr. Anupam Kishore Sinha, AOR

For Respondent(s)

Mr. Rakesh Kumar, AOR

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

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

Pending applications stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR

[Signed order is placed on the file.]