

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO. 1054/2021

IN

TRANSFER PETITION (CrI.) No. 607/2018

RISHABH JAIN

Petitioner(s)

VERSUS

NEHA JAIN

Respondent(s)

WITH

MISCELLANEOUS APPLICATION NO. ....../2021  
(Application for permission for withdrawal of amount)

O R D E R

The transfer petition [T.P. (CrI) No. 607/2018] was disposed of on the basis of settlement between the parties.

The respondent - wife has filed an application seeking direction for withdrawal of the entire balance amount of Rs.25 lacs with generated interest in terms of the order of this Court.

The petitioner - husband has filed an application pointing out that the respondent - wife is still to comply with some of the conditions of the Settlement Agreement.

The area of dispute is three in number:

Firstly, it is pointed out that in terms of the Settlement Agreement, the Look Out Circular (LOC) issued against the petitioner - husband is still in force, which needs to be cancelled. This is for the reason that the respondent - wife, in terms of the settlement, was expected to file an application for cancellation of the LOC in order to complete the formalities but to his knowledge, the respondent - wife has sent an e-mail to the SSP, Ghaziabad. No action has been taken till date.

Secondly, it is pointed out that the petitioner - husband has handed over all the items as mentioned at Annexures 3 and 4 except only one item vis-a-vis ring mentioned at Annexure 4. Even in this regard, the respondent - wife has not come forward to collect the ring despite repeated requests.

Thirdly, it is pointed out that a Declaration Agreement was to be signed in terms of clauses 9 and 10 of the Settlement. It is alleged that the petitioner - husband has time and again sent the declaration prepared by his lawyer in the United States to the respondent - wife for signatures, but it is not being signed.

When this matter came up in the forenoon, it was pointed out by learned counsel on behalf of the respondent - wife that she was not served with a copy of the application. Thereafter, the matter was called at 2.00 pm. Learned counsel for the respondent - wife would submit that she has gone through the application and as far as the Declaration is concerned, this matter is governed by clauses 9 and 10 of the Settlement Agreement and in terms thereof, the declaration has been prepared but still it has not been signed by the petitioner - husband.

As far as the ring is concerned, learned counsel for the petitioner - husband would submit that the petitioner - husband will send it by post to the sister of the respondent - wife. We record the submission of learned counsel for the petitioner - husband that the petitioner - husband will dispatch the ring in question to the sister of the respondent - wife within a period of one month from today by post.

As far as the Declaration in question is concerned, it is

covered by clauses 9 and 10 of the Settlement Agreement. A perusal of clause 9 makes it clear that the Declaration Agreement is to be prepared by the second party, namely, the wife and it is to be signed by both the parties. Further, what is to be contained in the Declaration is referred to in clause 10 of the Settlement Agreement.

Apparently, the intention was that the curtains are wrung down on all the disputes between the parties. Therefore, it is directed that the respondent - wife will prepare the agreement as contemplated in clause 10 and it is to be signed by both the parties in terms of clause 9. The Declaration Agreement, in terms of clauses 9 and 10 of the Settlement, will accordingly be prepared by the respondent - wife within a period of two weeks from today and upon receipt of the same, the petitioner - husband will sign the same as contemplated in the Agreement within a period of three weeks from the receipt of the Declaration Agreement.

As far as withdrawal of Rs.25 lacs is concerned, the complaint of the petitioner - husband is that the respondent - wife has not complied with the terms of the Settlement Agreement. What is contemplated under the Agreement is that the respondent - wife, on whose application, the LOC was issued in the first place, was to file an application for facilitating the cancellation of the LOC.

Learned counsel for the respondent - wife would submit that on 29.05.2019, two letters were addressed to the Assistant Director, Bureau of Immigration and SSP, Ghaziabad for the cancellation of the LOC.

In such circumstances, we further direct that the respondent -

wife will within a period of two weeks from today again address communication to the SSP, Ghaziabad seeking cancellation of the LOC against the petitioner - husband. We need not reiterate what has already been stated in the order which is that the LOC as per the complaint of the respondent - wife shall stand withdrawn.

In terms of the Agreement, we also permit the respondent - wife to withdraw a sum of Rs.20 lacs from the amount which has been deposited by the petitioner - husband. As regards Rs. 5 lacs and the entire interest, which has accrued in the Fixed Deposit, the respondent - wife is permitted to withdraw the same also upon the evidence of the LOC being cancelled being produced by either party. This may be done by the Registry itself without any further orders of this Court.

The miscellaneous applications stand disposed of.

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

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
AUGUST 4, 2021.

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

Miscellaneous Application No. 1054/2021 in T.P.(CrI.) No. 607/2018

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Date : 04-08-2021 These applications were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) By Courts Motion

Mr. Shubham Bhalla, AOR  
Mr. Yajur Bhalla, Adv.  
Mr. Deepak Samota, Adv.  
Mr. Siddharth Srivastava, Adv.  
Mr. Gaurav Mittal, Adv.

For Respondent(s) Ms. Vanshaja Shukla, AOR  
Mr. Ekansh Mishra Adv.  
Ms. Mrigna Shekhar Adv.

UPON hearing the counsel the Court made the following

O R D E R

The miscellaneous applications stand disposed of in terms of the signed order.

Pending application, if any, stands disposed of.

(MEENAKSHI KOHLI)  
ASTT. REGISTRAR-cum-PS

(BEENA JOLLY)  
COURT MASTER

[Signed order is placed on the file]