

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NOS. 1242-1243/2020

PRIYANKA PINCHA ..PETITIONER(S)

VERSUS

AMIT PINCHA ..RESPONDENT(S)

WITH

TRANSFER PETITION (CrI.) NO. 72/2022

O R D E R

TRANSFER PETITION (CIVIL) NOS. 1242-1243/2020

The inability of the parties to live together and their consent for a divorce is a way forward as apparent from the order sheets of the present case. However, despite the matter being sent back and forth to mediation, it has got stuck on the issue of the quantum of permanent alimony for the wife. We may note that there are two children born out of the wedlock, a Daughter, named Ananya, who is 21 years of age and undergoing college education and a Son Anant, who is 12 years of age and going through school education.

We have heard the matter at some length today to see that the creases could be ironed out and after putting the various offers to the petitioner, the matter was adjourned to be taken up in the post lunch session so that the consent could be available of both the parties. Fortunately, learned counsel for the petitioner has also obtained consent and the respondent is present in Court. In view of the pleadings and the complaints against each other as also what transpired in Court, it is quite obvious that the marriage has irretrievably broken down. The parties had got married according to Hindu Rites on 25.01.2000 and have been staying apart since 2014 in separate rooms as it is the case of the respondent/husband that the wife has taken a way of celibacy according to the teachings of Brahma Kumaris. The parties started living separately in different accommodations from July 2019.

The *inter se* cases filed between the parties and their family members are as under :

S No	Date	Particulars	Filed by	Forum
1	23.06.2019	Police Complaint	Respondent's mother	Roop Nagar Police Station (Delhi)
2	03.07.2019	A complaint under the Protection of Women from	Respondent's mother	Tis Hazari Courts (Delhi)

		Domestic Violation Act, 2005		
3	23.07.2019	Police Complaint	Respondent	Roop Nagar Police Station (Delhi)
4	25.07.2019	Petition u/s 25 r/w Section 7 of the Guardianship & Wards Act, 1980	Respondent	Tis Hazari Courts (Delhi)
5	20.12.2019	Petition for dissolution of marriage u/s 13(1) (i-a) of the Hindu marriage Act, 1955	Respondent	Tis Hazari Courts (Delhi)
6	Oct-Nov 2020	Transfer Petition seeking transfer of complaint at S.No. 2	Petitioner	This Hon'ble Court
7	Oct-Nov 2020	Transfer Petition seeking transfer of divorce and guardianship proceedings at S. Nos. 4-5	Petitioner	This Hon'ble Court
8	Dec 2020	Petition u/s 10 of Contempt of Courts Act, 1971	Respondent	Hon'ble High Court of Delhi
9	2020	A complaint under the Protection of Women from Domestic Violation Act, 2005	Petitioner	Judicial Magistrate, Kamrup metro, Guwahati, Assam

10	2022	Transfer Petition seeking transfer of complaint at S.No. 9	Respondent's mother	This Hon'ble Court
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In view of the settlement arrived at *inter se* the parties, it is jointly prayed that the proceedings mentioned aforesaid shall stand quashed/withdrawn to put an end to all other litigation *inter se* the parties.

Insofar as issue of permanent alimony is concerned, it is agreed to by the parties that the respondent will give a sum of Rs. 1 crore in full and final settlement of all claims of permanent alimony of the wife and the children but not including the ancestral properties of the respondent in which the children will have their own rights. This amount will be paid on or before 31.05.2023. Apart from this, it is also agreed that in view of the ongoing education of the Son, who is a minor, a sum of Rs. 30,000/- per month which is being paid at present as the alimony would continue to be paid till the Son attains the age of majority, as the daughter is already a major.

A decree of divorce is passed *inter se* the

parties dissolving the marriage on account of irretrievable break down of marriage and by consent of the parties.

The permanent alimony will be paid as undertaken by the respondent on or before 31.05.2023 and the decree of divorce would be released to the respondent only after the amount is so paid. The monthly maintenance of Rs. 30,000/- would continue to be paid till the majority age of the Son.

As noticed above, the *inter se* proceedings between the parties and their family members numbering 10 shall stand withdrawn/quashed.

The amount will be paid in the account of the wife where at present, maintenance is being paid but out of this amount, Rs. 20 lakhs each for the two children should be kept reserved by the wife. This amount shall be put in the name of the children either in a fixed deposit with the nationalized bank or in some Government Bond for six years.

Now turning to the aspect of visiting rights, the Daughter is already a major and thus it will be for her to continue her contacts with the father. As far as the Son is concerned, till the age of majority, visiting rights are to be fixed for the benefit of the respondent. We

consider appropriate that once a week a virtual connection be established for a period of one hour through video and as and when the respondent visits Guwahati, the period of three hours may be made available to him exclusively.

A request is also made for sharing of the vacation period. The Son has stayed apart for quite some time and it may require some effort to re-establish the equation in which role of the mother will be important. Endeavour should be made so that at least 1/3rd of the vacation time can be spent with the father, including, mutual agreed arrangement for travel outside Guwahati.

We hope and expect that both the parents will realize that they may have fallen apart but the children need the benefit of the company of both the parents in their upbringing.

The transfer petitions accordingly stand disposed of.

We appreciate the parties finally taking a constructive view of the matter and the assistance forthcoming from the counsels towards this objective.

TRANSFER PETITION (CrI.) NO. 72/2022

In view of the order passed in Transfer

Petition (Civil) Nos.1242-1243/2020, this petition has become infructuous and stands disposed of.

The proceedings stand quashed/withdrawn in terms aforesaid.

.....J.
[SANJAY KISHAN KAUL]

.....J.
[MANOJ MISRA]

.....J.
[ARAVIND KUMAR]

NEW DELHI,
FEBRUARY 14, 2023.

ITEM NO.1

COURT NO.2

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(s)(Civil) No(s). 1242-1243/2020

PRIYANKA PINCHA

Petitioner(s)

VERSUS

AMIT PINCHA

Respondent(s)

([FOR DISPOSAL]

IA No. 114028/2020 - EX-PARTE STAY

IA No. 20404/2022 - PASSING APPROPRIATE ORDER OR DECREE UNDER
ARTICLE 142 OF THE CONSTITUTION)

WITH

T.P.(CrI.) No. 72/2022 (XVI-A)

IA No. 21786/2022 - STAY APPLICATION)

Date : 14-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE MANOJ MISRA

HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s) Mr. Gaichangpou Gangmei, AOR
Mr. Sanjeev Prakash Upadhyay, Adv.
Mr. Yashvir Kumar, Adv.

Ms. Nidhi Mohan Parashar, AOR

For Respondent(s) Mr. Rohan Chawla, Adv.
MR. Vikrant Kumar, Adv.
Mr. Manikya Khanna, AOR

Mr. Gaichangpou Gangmei, AOR
Mr. Sanjeev Prakash Upadhyay, Adv.
Mr. Yashvir Kumar, Adv.

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

TP(Civil) Nos. 1242-1243/2020

The transfer petitions stand disposed of in

terms of the signed order.

Pending application stand disposed of.

T.P.(Crl.) No. 72/2022

In view of the order passed in Transfer Petition (Civil) Nos. 1242-1243/2020, this petition has become infructuous and stands disposed of.

The proceedings stand quashed/withdrawn in terms indicated in the aforesaid petition.

Pending application stands disposed of.

[CHARANJEET KAUR]
ASTT. REGISTRAR-cum-PS

[POONAM VAID]
COURT MASTER (NSH)

[Signed order is placed on the file]