

**IN THE SUPREME COURT OF INDIA**

**CIVIL ORIGINAL JURISDICTION**

**TRANSFER PETITION (CIVIL) NO. 1163 OF 2020**

**Roshni Chaubey**

**...Petitioner(s)**

**VERSUS**

**Subodh Gautam & Others**

**...Respondent(s)**

**ORDER**

We have heard learned counsel for the parties.

(2) In this petition, the petitioner-wife has sought for transfer of the proceedings bearing Civil Misc. No.6 of 2020 titled "Subodh Gautam v. Samarth Gautam & Ors." pending before the Court of the Principal Judge, Family Court, Jalaun at Orai, Uttar Pradesh to the Family Court, District Katni, Madhya Pradesh.

(3) On the request of learned counsel for the parties, on 11<sup>th</sup> March, 2022, the matter was referred to the Supreme Court Mediation Centre to explore the possibility of an amicable settlement of the dispute between the parties. In the mediation, the matter was amicably settled between the parties and the Mediation Centre has sent a Settlement Agreement dated 9<sup>th</sup> September, 2022 duly signed by both the parties and their respective learned advocates containing the terms and conditions governing the settlement. In terms of the Settlement

Agreement, the custody of ward "Samarth" shall remain with the petitioner-mother. However, the respondent-husband shall have visitation rights as per the Settlement Agreement. Insofar as the maintenance of the child is concerned, it is agreed upon between the parties that the respondent-Subodh, father of the child, shall voluntarily contribute any amount of money as he may deem fit. As per the Settlement Agreement, both the parties have agreed to withdraw the cases filed by them against each other.

(4) Both the parties now pray for invoking our jurisdiction under Article 142 of the Constitution of India and seek dissolution of their marriage by granting a decree of divorce by mutual consent.

(5) Having regard to the amicable settlement arrived at between the parties, the marriage between the petitioner-Roshni Chaubey (wife) and the respondent-Subodh Gautam (husband) stands dissolved by way of decree of divorce by mutual consent. The Settlement Agreement dated 9<sup>th</sup> September, 2022 shall form part of this order.

(6) In view of above, Civil Misc. No.6 of 2020 titled "Subodh Gautam v. Samarth Gautam & Ors." pending before the Court of the Principal Judge, Family Court, Jalaun at Orai, Uttar Pradesh, is dismissed as withdrawn. The other case, H.M.A. No.56 of 2016 filed by the petitioner against respondent no.1, referred to in the Settlement Agreement, stands quashed.

(8) The Transfer Petition is, accordingly, disposed of.

(9) Pending applications, if any, shall also stand disposed of.

.....J.  
[S.ABDUL NAZEER]

.....J.  
[J.B. PARDIWALA]

**New Delhi;  
October 10, 2022.**

ITEM NO.49

COURT NO.4

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). 1163/2020

ROSHNI CHAUBEY

Petitioner(s)

VERSUS

SUBODH GAUTAM & ORS.

Respondent(s)

(Mediation Report has been received.

IA No. 156797/2021 - APPLICATION FOR PERMISSION

IA No. 106722/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 106720/2020 - EXEMPTION FROM FILING O.T.

IA No. 156802/2021 - EXEMPTION FROM FILING O.T.)

Date : 10-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Ms. Abha Goel, Adv.  
Mr. Mitul Saxena, Adv.  
Mr. Mayank Kshirsagar, AOR

For Respondent(s)  
Mr. Vivek Sharma, AOR

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.

Pending applications also stand disposed of.

(ANITA MALHOTRA)  
AR-CUM-PS

(KAMLESH RAWAT)  
COURT MASTER

(Signed order is placed on the file.)