

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

TRANSFER PETITION(S)(CIVIL) NO(S). 1062/2020

SHWETA KUMARI

PETITIONER(S)

VERSUS

SARVAGYA PAAVAN DWIVEDI

RESPONDENT(S)

WITH

TRANSFER PETITION (CIVIL) NO(S). 1230/2020

ORDER

TRANSFER PETITION(S)(CIVIL) NO(S). 1062/2020

The present proceeding is for transfer of a petition for divorce from Varanasi, Uttar Pradesh to Vasai, Maharashtra. However, in the course of hearing the dispute between the parties was referred to Mediation and the parties have chosen to settle their dispute through the process of mediation. As a result thereof a joint application (I.A. No. 141310/2022) for divorce on mutual consent has been filed. In this application, the petitioner and the respondent have asked for dissolving the marriage between the parties by a decree of divorce on the basis of mutual consent in terms of the Section 13B of the Hindu Marriage Act, 1955.

The parties were present before us, identified by the respective

advocates at the time of hearing and they have confirmed of having settled their dispute.

In such circumstances, we allow the prayer of the parties in exercise of our jurisdiction under Article 142 of the Constitution of India and direct that there shall be a decree of divorce by mutual consent between the petitioner - Shweta Kumari and the respondent - Sarvagya Paavan Dwivedi. They have been described in the I.A. No.141310/2022 as applicant no.1 and applicant no.2. There are certain other clauses in this joint application pertaining to one time settlement and it has been submitted by the learned advocates representing the respective parties that all the settlement terms have been complied with. The parties before us have further stated that they have no further claim against each other.

The list of cases and F.I.R.s involving the parties and pending at present have been specified in paragraph 6 of the joint application. These are:-

“(i) Hindu Marriage Petition No.946 of 2019 under Section 13(1)(ia) and (ib) of the Hindu Marriage Act, 1955, titled as “Sarvagya Paavan Dwivedi vs. Smt. Shweta Kumari (Upadhyay) Dwivedi” pending before the Principal Judge, Family Court, at Varanasi, Uttar Pradesh (Instituted by Applicant No.2 against the Applicant No.1).

“(ii) Criminal Application No.59 of 2020 under the Protection of Women from Domestic Violence Act, 2005 titled as “Smt. Shweta Kumari Vs. Shri Sarvagya Paavan Dwivedi and 4 Ors.” pending before the Judicial Magistrate 1st Class at Vasai, Maharashtra, (Instituted by the Applicant No.1).

“(iii) First Information Report No.322 of 2020 dated 08.10.2020 at Police Station Manikpur, u/Ss. 498-A, 354,

406, 323, 504, 506, and 34 IPC lodged by the Applicant No.1 against the 1. Mr. Sarvagya Paavan Dwivedi (Applicant No.2), 2. Mrs. Sudha Dwivedi (Mother of the Applicant No.2) 3. Mr. Bhola Dwivedi (Father of the Applicant no.2), 4. Mrs. Amrita Dwivedi (Sister of the Applicant no.2) and 5. Mrs. Namrata Pandey (Sister of the Applicant No.2) and the same is pending at the investigation stage.

(iv) The Defamation Suit bearing No.1227 of 2019 titled as "Dr. Bholanath Dwivedi Vs. Smt. Shweta Kumari (Upadhyay) Dwivedi & Anr." pending before the learned Civil Judge Junior Division, Hawali, District Varanasi, Uttar Pradesh, (Instituted by the Father of the Applicant No.2, namely Dr. Bhola Nath Dwivedi), who has filed a duly executed affidavit dated 29.08.2022 accepting the settlement between the Applicant No. 1 and Applicant No. 2. True copy of the same has been annexed to the Settlement Agreement.

(v) Application for Anticipatory Bail bearing No.653 of 2021 titled as "Sarvagya Paavan Dwivedi Vs. State of Maharashtra & Anr." pending before the Hon'ble High Court of Judicature at Bombay. (filed by the Applicant No.2 which is pending for adjudication before the Hon'ble High Court of Judicature at Bombay)."

All the aforesaid cases and the F.I.R. are quashed in view of the settlement between the parties.

Let decree be drawn up expeditiously. The Registry shall inform the respective Courts about this order in which proceedings pending in the aforesaid Courts stand quashed.

The present application is, accordingly, disposed of.

The transfer petition and any other connected application shall stand disposed of.

There shall be no order as to costs.

TRANSFER PETITION (CIVIL) NO(S). 1230/2020

This petition is disposed of in view of the order passed in Transfer
Petition (C)No.1062/2020.

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

There shall be no order as to costs.

.....**J.**
[ANIRUDDHA BOSE]

.....**J.**
[VIKRAM NATH]

New Delhi;
November 07, 2022.

ITEM NO.53

COURT NO.13

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). 1062/2020

SHWETA KUMARI

PETITIONER(S)

VERSUS

SARVAGYA PAAVAN DWIVEDI

RESPONDENT(S)

(MEDIATION REPORT RECEIVED.

IA No. 141310/2022 - APPLICATION FOR SETTLEMENT, IA No.
49689/2021 - EXEMPTION FROM FILING O.T. & IA No. 96287/2020 - STAY
APPLICATION)

WITH

T.P.(C) No. 1230/2020 (XVI-A)

(IA No. 113343/2020 - EX-PARTE STAY & IA No. 27060/2022 - EXEMPTION
FROM FILING O.T.)

Date : 07-11-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ANIRUDDHA BOSE
HON'BLE MR. JUSTICE VIKRAM NATH

For Petitioner(s) Mr. Uday N.Tiwary, Adv.
Mr. Rohit K. Singh, AOR
Mr. Pritam Bishwas, Adv.
Mr. Kislay Jha, Adv.
Ms. Ruchi Gupta, Adv.
Mr. Samarth Srivastava, Adv.

For Respondent(s) Mr Arvind Kumar Tiwary, Adv.
Mr. Harish Pandey, AOR
Mr. Amit Kumar, Adv.
Mr. Manish Kumar, Adv.
Ms. Shweta, Adv.

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

I.A.No.141310/2022 and the transfer petitions are disposed of
in terms of the signed order, which is placed on the file.

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

(NIRMALA NEGI)
COURT MASTER (SH)

(VIDYA NEGI)
ASSISTANT REGISTRAR