

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL/INHERENT JURISDICTION

TRANSFER PETITION(S)(CIVIL) NO(S). 226/2017

HARSHITA BHATI

PETITIONER(S)

VERSUS

KSHITIZ KUMAR DEVENDRA

RESPONDENT(S)

WITH

CONMT.PET.(C) NO. 19/2018 IN T.P.(C) NO. 226/2017

O R D E R

1. The parties, who are highly educated people, have been in litigation for quite some time. The dispute is essentially matrimonial. As a matter of fact, the petitioner/wife, on account of the involvement in the litigation was not in a position to travel to India. However, since the Court sensed an element of settlement, by order dated 11.07.2018 a direction was issued to the Consulate General of India at Houston, Texas to permit her to travel to India so as to facilitate her appearance before this Court. We also sought the assistance of Mr. S. Nagamuthu, learned counsel of this Court and a former Judge of the High Court of Madras. Thanks to the efforts taken by the learned Mediator, the parties have resolved to settle their entire disputes amicably and part as friends. The Marital Settlement Agreement dated 20.07.2018, duly signed by the parties and the witnesses on

21.07.2018, is produced along with I.A. No. 100369/2018, which shall form part of this order. In terms of the Settlement Agreement, the respondent/husband-Mr. Kshitiz Kumar Devendra has handed over a Demand Draft for an amount of Rs.17,00,000/- (Rupees Seventeen Lacs) in favour of Ms. Harshita Bhati and three pieces of gold jewellery, as mentioned in paragraph 5 of the settlement, which are duly acknowledged by Ms. Harshita Bhati/petitioner. Learned counsel appearing for the respondent/husband-Mr. Kshitiz Kumar Devendra has submitted that few other articles belonging to Ms. Harshita Bhati/petitioner are also being handed over.

2. Since the parties have settled their disputes, we are of the view that in the interest of justice and for securing ends of justice, all other litigations between the parties should also be given a quietus. Accordingly, following criminal cases are quashed:-

- i. FIR No.0019 dated 31.01.2016 pending before the Family Court, Bhopal.
- ii. Petition u/s 12 of the Prevention from Domestic Violence Act, 2005 before the Court of ACJM, Bhopal.
- iii. Section 125 Cr.P.C. titled as Smt. Harshita Bhati v. Kshitij Devender Kumar, pending before Family Court, District &

Sessions Court, Bhopal.

iv. State through P.S. Pipalani v. Harshita Bhati, Criminal Case bearing RCT No.3382/17 pending before Judicial Magistrate, 1st Division, District & Sessions Court, Bhopal, M.P.

v. Complaint Case No.267/2016 titled as Devender Kumar v. Harshita Bhati & Ors., pending before CJM, District Court, Ghaziabad.

vi. Case against FIR No.10/2016 titled State v. Kshitij Kumar Devendra & Ors., pending before Additional Sessions Judge, District and Sessions Court, Puducherry

3. Remaining cases i.e. (i) Section 9 HMA Petition pending before Family Court, District and Sessions Court, Bhopal, (ii) Divorce Petition No.2/2016 pending before Family Court, District Ghaziabad, (iii) Crl. Misc. Application No.39844/2016 pending before High Court of Allahabad at Allahabad and (iv) W.P. No.8092/17 pending before High Court of Madhya Pradesh at Jabalpur, and (v) Crl.O.P. No.23974/16 pending before High Court of Judicature at Madras are dismissed.

4. Both the parties are restrained from pursuing or instituting any other litigation pertaining to their

marriage, either in this country or outside, without express permission from this Court.

5. The parties have also filed a joint application for dissolution of their marriage by a decree of divorce by mutual consent. They are present before us and we have interacted with them. We are convinced that they have filed that application on their own free will and they are conscious of the seriousness of their decision. Accordingly, the joint application for divorce by mutual consent is allowed and the marriage between Mr. Kshitiz Kumar Devendra and Ms. Harshita Bhati is dissolved by a decree of divorce by mutual consent.

6. We direct the Regional Passport Office, Bhopal to return the passport of Ms. Harshita Bhati, within a week from today. We direct Ms. Harshita Bhati to do the needful in terms of paragraph 9 of the Settlement Agreement within the time stipulated therein.

7. We record our appreciation for the strenuous efforts taken by Mr. S. Nagamuthu, learned Mediator for settling several disputes between the parties and finding a solution for the disputes. We also appreciate the efforts taken by the learned counsel on either side and also the cooperation extended by the parties themselves.

8. The transfer petition and the contempt petition are, accordingly, disposed of.

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

.....J.
[KURIAN JOSEPH]

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

NEW DELHI;
JULY 23, 2018.

ITEM NO.65

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
RECORD OF PROCEEDINGS

TRANSFER PETITION(S)(CIVIL) NO(S). 226/2017

HARSHITA BHATI

PETITIONER(S)

VERSUS

KSHITIZ KUMAR DEVENDRA

RESPONDENT(S)

(FOR EXEMPTION FROM FILING O.T. ON IA 2/2017 AND STAY)

WITH

CONMT.PET.(C) NO. 19/2018 IN T.P.(C) NO. 226/2017 (XVI-A)
(FOR ADMISSION)

Date : 23-07-2018 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

For Petitioner(s) Mr. Santosh Kumar,Adv.
Mr. Rajeev Ranjan Mishra,Adv.
Mr. Rajeshwar Nath Mishra,Adv.
For Mr. Mushtaq Ahmad, AOR

For Respondent(s) Mr. Pawan K. Bahl,Adv.
Mr. J.P. Pathak,Adv.
Mr. Shailender Verma,Adv.
Mr. Rakesh K. Sharma, AOR

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

The transfer petition and the contempt petition
are disposed of in terms of the signed order.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed order is placed on the file)