

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1286 OF 2020

APARNA JAYARAMAN

Petitioner(s)

VERSUS

SRIRAM GANESH SASTRIGAL

Respondent(s)

ORDER

1. Learned counsel for the parties have placed before us the Settlement Agreement along with a joint application dated 9.12.2021 (I.A. No. 162074 of 2021); and have submitted that all disputes and differences between the parties having been amicably resolved, appropriate and necessary orders be passed in terms of the agreement.

2. The petitioner-wife has filed this petition on 17.11.2020 under Section 25 of the Code of Civil Procedure, 1908 read with Order XLI Rule 1 of the Supreme Court Rules, 2013 seeking transfer of M.J. Petition No. A-867 of 2020, titled as *Sriram Ganesh Sastrigal vs. Aparna Jayaraman*, filed by respondent-husband under Section 12(1)(a) of the Hindu Marriage Act, 1955 ('the Act of 1955') for annulment of marriage, from the Family Court at Bandra, Mumbai to a Family Court at Chennai, Tamil Nadu. A petition seeking dissolution of marriage by a decree of divorce has also been filed by the petitioner-wife in Chennai, being OP No.981 of 2020, under Section 13(1)(ia) read with Section 25 of the Act of 1955 and Section 7(1)(a) of the Family Courts Act, 1984.

3. On 07.12.2020, this Court issued notice in this transfer petition and further proceedings in M.J. Petition No. A-867 of 2020 pending before the Family Court, Bandra, Mumbai were ordered to be stayed. Thereafter, on 08.10.2021, looking to the elements of settlement in this matter, parties were referred to the Supreme Court Mediation Centre.

4. On 23.11.2021, both the parties amicably resolved all their disputes and differences by entering into a settlement agreement in the presence of the mediator and their respective counsel after participating in the mediation sessions held virtually. Accordingly, a joint application is moved before this Court with the prayer to take the Settlement Agreement dated 23.11.2021 on record; and to dissolve their marriage by a decree of divorce by mutual consent on terms and conditions stipulated in the agreement, by invoking our powers under Article 142 of the Constitution of India.

5. The Settlement Agreement reads as under: -

"SETTLEMENT AGREEMENT

This Settlement Agreement is made and executed on this 23rd day of November 2021 by and between:

The Petitioner, Ms. Aparna Jayaraman, aged about 26 years, D/o Smt. Saraswathy Jayaraman, R/o 16/13, 4th Cross Street, Karpagam Garden, Adyar, Chennai - 600020 (hereinafter called the First Party, which expression shall include her representatives, successors etc.)

AND

The Respondent, Mr. Sriram Ganesh Sastrigal, aged about 31 years, S/o Shri. Ganesh Venkatraman Sastrigal, R/o 10 - 11/213, Shankar Kunj, Sion Hospital, Sion (East), Mumbai - 400022 (hereinafter

called the Second Party, which expression shall include his representatives, successors etc.)

The First and Second Party are collectively referred to as the Parties.

WHEREAS

A. The marriage between the First Party (Petitioner) and Second Party (Respondent) was solemnized at Mumbai on 17.02.2019 and the marriage was registered under the provisions of the Hindu Marriage Act, 1955.

B. That the First Party issued a Notice of Dissolution of Marriage to the Second Party through her counsel on 17.12.2019 which was replied by the Second Party through his counsel on 31.12.2019 and 13.01.2020.

C. That Second Party filed a petition being M.J petition No. A-867 of 2020 seeking annulment of marriage under Section 12(1)(a) of the Hindu Marriage Act, 1955 before the Ld. Family Court, Bandra, Mumbai, Maharashtra on 14.01.2020. No summons have been issued in the matter since its filing.

D. That on 26.02.2020, the First Party, filed a divorce petition in Chennai against the Second Party being O.P. No. 981 of 2020 under Section 13(1)(i)(a) read with Section 25 of the Hindu Marriage Act and Section 7(i)(a) Family Courts Act, 1984 before the Ld. Family Court, Chennai, Tamil Nadu.

E. That on 17.11.2020, the First Party filed Transfer Petition (Civil) No. 1286/2020 before the Hon'ble Supreme Court seeking transfer of petition MJ Petition No. A-867/2020 pending before the Learned Family Court, Bandra, Mumbai, Maharashtra to the Learned Family Court, Chennai, Tamil Nadu. By order dated 07.12.2020 the Hon'ble Supreme Court inter-alia stayed further proceedings in M.J. Petition No. A-867 of 2020 pending before the Learned Family Court, Bandra, Mumbai.

F. That the Parties state that no other case or cases has been filed in any court or forum by the parties or their respective family members against each other or their respective family members.

G. That the Hon'ble Supreme Court *vide* its Order dated 08.10.2021 was pleased to refer the Parties to mediation under the aegis of Supreme Court Mediation Centre for exploring the possibilities of amicable settlement of all disputes amongst the Parties. Comprehensive virtual mediation session was held with the parties jointly and separately in the presence of the mediator and the parties respective counsels on

27.10.2021, 18.11.2021 and 23.11.2021.

H. The Parties out of their own free will, volition and without any force or coercion have in a mutual and amicable manner amicably resolved all their disputes and differences in the presence of the Mediator and their respective counsels. To ensure lasting peace and maintaining the dignity of the parties, it has been mutually decided between the Parties:

1. That as they have been separated since 28.10.2019 the Parties will move a joint application requesting the Hon'ble Supreme Court for taking this Settlement Agreement on record and pray before the Hon'ble Court for grant of a decree of dissolution of marriage - divorce by mutual consent in exercise of the Hon'ble Supreme Court's inherent powers under Article 142 of the Constitution of India and consequently dispose of the Transfer Petition being TP (C) No. 1286 of 2020 in terms of this Settlement Agreement while also submitting that the marriage solemnised on 17.02.2019 has not been consummated between the Parties;

2. That the First Party has already received all her belongings, clothes, gifts and Stridhan by mutual exchange recorded in letters dated 13.03.2020, 05.09.2020 and 06.09.2020 exchanged between the Parties counsels.

3. That the Second Party i.e. Sriram Ganesh Sastrigal shall prepare a demand draft for an amount of Rs.15,00,000 (Rupees Fifteen Lakhs Only) in favour of the First Party i.e. Aparna Jayaraman and the Second Party shall tender the same to the First Party or her counsel in Court towards one-time full and final settlement amount on grant of the decree of dissolution of marriage - divorce by mutual consent by the Hon'ble Supreme Court or competent court.

4. That the above Clauses 2 and 3 are in full and final settlement of all of First Party claims, rights, interest in or towards alimony, maintenance, Stridhan, belongings, gifts, expenses, property (movable and immovable) and any other claims (past, present and future) whatsoever against the Second Party. The First Party shall not file any case or claim before any Court with respect to the same against the Second Party. It is also agreed that the Parties shall also not file any case or make any claim or allegations with respect to the matrimonial relationship or otherwise against each other or any other allegation or claim against their respective family members.

5. The Parties shall also jointly pray before the Hon'ble Supreme Court that the Divorce Petition being

OP No. 981 of 2020 pending before the Learned Family Court, Chennai, Tamil Nadu and Annulment Petition being M.J. Petition No. A 867 of 2020 pending before the Learned Family Court, Bandra, Mumbai, Maharashtra may also be disposed of and/or directed to be disposed of in view of this settlement and grant of the decree of dissolution of marriage - divorce by mutual consent by the Hon'ble Supreme Court in exercise of its jurisdiction under Article 142 of the Constitution of India.

6. In case the Hon'ble Supreme Court were to not exercise its powers under Article 142 of the Constitution of India, the parties agree that they shall seek disposal of the Transfer Petition being TP (C) No. 1286 of 2020 in terms of this Settlement Agreement permitting the parties to file necessary joint applications for grant of divorce by mutual consent seeking waiver of notice period between the first and second motion such that the above stated one time full and final settlement amount is tendered on the date of grant of the decree of divorce by mutual consent from the competent family court of Chennai.

7. The Parties agree that in case any appropriate application joint or otherwise for conclusion of the matters as stated in Clause 5&6 above and/or reporting compliance thereof is required before the Ld. Family Courts in Chennai and Mumbai, the Parties shall make necessary applications for placing these terms in letter and spirit so that the marriage stands dissolved by way of grant of decree of divorce by mutual consent and the proceedings pending before the Learned Family Courts of Chennai and Mumbai are disposed and stand withdrawn with alacrity at the end of each of the Parties.

8. That subject to the aforesaid terms, the parties have resolved all the disputes amicably in relation to the marriage and have been left with no pending claims against each other or their respective family members.

9. Since this Settlement Agreement has been settled virtually, it is accepted by both the Parties that the original draft will be exchanged amongst each other and the same shall be notarized by the respective parties before their respective Notary of their residence area in the presence of witness. After the needful has been done, the settlement agreement will be presented jointly by the Advocate-on-Record before the Mediation Centre at Supreme Court.

10. The Parties undertake to abide by the terms of this Settlement Agreement and extend full cooperation to each other in execution and implementation of all

the terms and conditions of this Settlement Agreement. The Parties undertake that henceforth they shall neither interfere in the life of each other or speak ill of the other or their respective family members nor circulate any adverse material or cause any harm in the future relationships of either party with other persons and shall maintain peace and harmony inter-se each other and their respective family members.

11. That by signing this Agreement the parties hereto solemnly state and affirm that they have no past, present or future claims or demands against each other including maintenance, jewelries or any other movable or immovable property and all the disputes and differences have been amicably settled by the parties hereto through the process of mediation.

12. That the parties shall be bound by the terms of this Settlement Agreement which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth. This agreement has been executed by the Parties with healthy mind, soul and body and without any coercion and duress.

13. That the contents of this settlement - agreement have been understood and read over by both the parties and the same is acceptable to both the parties (First party and Second Party) and their family members.

IN WITNESS WHEREOF the parties have set their respective hands on this agreement on the date, month and year above written.

S/d

S/d

APARNA JAYARAMAN

SRIRAM GANESH SASTRIGAL

(FIRST PARTY)

(SECOND PARTY)

WITNESSES OF THE FIRST PARTY:

WITNESSES OF THE SECOND PARTY:

S/d

S/d

1. (RAVI THIYAGHARAJHAN)

1. (KRISHNAN JAGADESAN)

S/o P.S. Thiyagarajan,

S/o S. Jagadesan

New No.2, Old No.5, Singari Street,

Address

Mylapore, Chennai-600004

VILEPARLE(E), MUMBAI-57"

6. Learned counsel for the parties have admitted before this

Court that in compliance of sub-clause (3) of Clause H of the Settlement Agreement, respondent-husband has sent a Demand Draft bearing No. 25298 dated 06.01.2022 in the sum of Rs. 15,00,000/- (Rupees Fifteen Lakhs), drawn on ICICI Bank in favour of petitioner-wife and accordingly, the requirement of payment of amount of one-time full and final settlement in terms of agreement is duly met.

7. Having regard to the above, and in the peculiar circumstances of the case, we are of the considered view that the settlement agreement entered into between the parties deserves to be accepted; and the prayer jointly made, for dissolution of marriage solemnised on 17.02.2019, deserves to be granted. Further, it is also just and proper that all the proceedings pending between the parties be disposed of, on the terms and conditions as stated and agreed to by the parties.

8. Accordingly, M.J. Petition No. A-867 of 2020, pending in the Family Court at Bandra, Mumbai, Maharashtra and OP No. 981 of 2020 before the Family Court, Chennai, Tamil Nadu stand withdrawn to this Court; and are disposed of with reference to Section 13B of the Hindu Marriage Act, 1955 where, by invoking the powers under Article 142 of the Constitution of India, we grant a decree of divorce by mutual consent to the parties. Consequently, the marriage between the petitioner and the respondent solemnised on 17.02.2019 stands dissolved. Their undertakings given in the Settlement Agreement dated 23.11.2021 are accepted.

8.1 The parties agree that, henceforth, they will not initiate any proceedings against each other in reference to the issues which stand foreclosed in terms of the Settlement Agreement. The Agreement has been taken on record, made part of this order and accepted by the Court. All claims stand settled in terms of the Settlement Agreement. The parties undertake to abide by their obligations without any exception.

9. Consequently, this Transfer Petition (Civil) No. 1286 of 2020 is disposed of in the aforementioned terms. All pending applications also stand disposed of.

10. While disposing of the matter, we place on record our appreciation for the efforts made by the learned mediator and respective learned counsel in assisting the parties to arrive at an amicable settlement.

..... J.
(DINESH MAHESHWARI)

..... J.
(HRISHIKESH ROY)

NEW DELHI;
JANUARY 10, 2022

ITEM NO.30

Court 14 (Video Conferencing)

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). 1286/2020

APARNA JAYARAMAN

Petitioner(s)

VERSUS

SRIRAM GANESH SASRIGAL

Respondent(s)

(Mediation report has been received.

IA No. 119793/2020 - EX-PARTE STAY

IA No. 13770/2021 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES)

Date : 10-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. T. Harish Kumar, AOR

For Respondent(s)

Mr. Avinash Menon, 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.

All the pending applications stand disposed of.

(BABITA PANDEY)
COURT MASTER (SH)

(RAM SUBHAG SINGH)
BRANCH OFFICER

(Signed order is placed on the file)