

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C)No.129 OF 2020

ANJALI NAIR

... PETITIONER

Versus

VINOD P.

... RESPONDENT

O R D E R

1. The petitioner - wife has filed this Transfer Petition seeking transfer of O.P.No.901 of 2019, titled as "Vinod P. vs. Anjali Nair", filed by the respondent - husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights. The above-stated petition is pending before the Family Court, Malappuram, Kerala and the petitioner - wife seeks transfer of the same to the Family Court, Ghaziabad, Uttar Pradesh.

2. The marriage between the parties was solemnized on 21.10.2009 and a male child born out of the said wedlock, who is about 9 years' old is in petitioner's custody.

3. When this Transfer Petition came up for hearing on 25.03.2021, the parties jointly desired to explore the possibility of an amicable settlement through the Supreme Court Mediation Centre. The matter was consequently referred to the Supreme Court Mediation Centre where the parties have entered into a Settlement Agreement dated 07.04.2021, a copy of which, duly signed by them, their counsel and the learned Mediator, has been placed on record along with a joint application filed under Sections 25 and 151 of the Civil Procedure Code read with Article 142 of the Constitution.

4. The salient features of the Settlement Agreement dated

07.04.2021 are that the parties have decided to withdraw the cases filed by them against each other and they further decided to dissolve the marriage by a decree of divorce by mutual consent. As per the Settlement Agreement, the respondent - husband has further agreed to pay Rs.2500/- on every month towards maintenance of the child along with arrears at the rate of Rs.5,000/- p.m. from June, 2021 to August, 2021.

5. Learned counsel for the parties state that as per the Settlement Agreement, their clients have moved a joint application praying this Court to grant them decree of divorce by mutual consent by invoking power under Article 142 of the Constitution.

6. Having regard to all the attending circumstances, we are inclined to accept the prayer made by the parties. Consequently, we invoke our powers under Article 142 of the Constitution to do complete justice between the parties and dissolve their marriage by way of a decree of divorce by mutual consent. Ordered accordingly.

7. The parties shall abide by the terms and conditions of the Settlement Agreement dated 07.04.2021, and the same shall be read as a part of this order.

8. The Transfer Petition stands allowed in the above terms.

9. As a sequel to the above, pending interlocutory applications also stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(J.B. PARDIWALA)

NEW DELHI;  
SEPTEMBER 02, 2022.

ITEM NO.39

COURT NO.14

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).129/2020

ANJALI NAIR

Petitioner(s)

VERSUS

VINOD P.

Respondent(s)

(IA No.13229/2020-STAY APPLICATION. MEDIATION REPORT RECEIVED. LIST BEFORE THE DIVISIONAL BENCH (I.A. NO. 75010 OF 2021) (FOR MUTUAL DECREE OF DIVORCE)

IA No.13230/2020 - EXEMPTION FROM FILING O.T.

IA No.75010/2021 - PASSING APPROPRIATE ORDER OR DECREE UNDER ARTICLE 142 OF THE CONSTITUTION

IA No.13229/2020 - STAY APPLICATION)

Date : 02-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Rajesh P., AOR  
Mr. Vineet Sinha, Adv.

For Respondent(s) Mr. Zulfiker Ali P. S, AOR

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

1. The Transfer Petition stands allowed in terms of the signed order.
2. As a sequel to the above, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)  
DEPUTY REGISTRAR

(PREETHI T.C.)  
COURT MASTER (NSH)

(Signed order is placed on the file)