

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

CIVIL APPEAL NO.1458 OF 2020

(Arising from Special Leave to Appeal (C) No(s). 21544/2019)

KIRAN NIVEDITHA

APPELLANT(S)

VERSUS

PRADEEP RAJA G.

RESPONDENT(S)

O R D E R

1. Leave granted.

2. This Court by its order dated 06.12.2019 directed the parties to appear before the Supreme Court Mediation Centre for settlement of all contentious issues pending between them.

3. We are informed by the counsel for the parties that the parties, who are present in Court today, have amicably settled all the disputes and have reduced the settlement terms into writing in the form of Settlement Agreement, which reads thus:

SETTLEMENT AGREEMENT

This Settlement Agreement is being executed between Petitioner Mrs. Kiran Niveditha D/o Mr. Thimmaraju K.B., R/o Balaji Nilaya Behind Sapthagiri College, Sapthagiri, Exten Tumkur - 572102 and Respondent Mr. Pradeep Raja G., S/o Gururaja L R/o 3. V.P. Road, Madiwala, Next to Sangam Clinic, BTM Layout, 1st Stage, Bangalore South Bangalore, Karnataka- 560068.

The marriage between the Petitioner and Respondent was solemnized on 13.08.2017 at Tumakuru, Karnataka. Both parties resided together as husband and

wife till 14.10.2017. There is no issue from this wedlock. That thereafter, due to the differences between the parties, they started living separately with their respective parents.

This Hon'ble Court vide its order dated 06.12.2019 was pleased to refer the matter to Mediation Centre, Supreme Court of India, New Delhi.

Comprehensive mediation sessions were held with the parties separately and jointly on 16.12.2019, 13.01.2020 and today i.e. on 14.01.2020 and with the indulgence of counsels and Mediators, the parties have arrived at an amicable settlement on the following terms and conditions:

1. Both the parties hereto confirm and declare that they have, voluntarily and of their own free-will, have decided not to live together as husband and wife and have arrived at this Settlement in the presence of the mediator, their respective counsels and their family members.
2. That the following cases are pending between the parties:-

CASES FILED BY THE KIRAN NIVEDITHA

- (i) M.C. No. 42 of 2018 titled Kiran Niveditha Vs. Pradeep Raja G. pending before 1st Additional Principal Judge, Tumakuru.
- (ii) C.C. No. 319 of 2018 – Kiran Niveditha Vs. Pradeep Raja G. pending before II Additional Senior Civil Judge and JMFC Tumakuru.
- (iii) CrI. Misc. DVA/1/2019 - Kiran Niveditha Vs. Pradeep Raja G. pending before IV Additional Civil Judge and JMFC Tumakuru.
- (iv) P.C.R. No. 64 of 2019 – C.C. No. 27525 of 2019 (Bangaluru) – Kiran Niveditha Vs. Pradeep Raja G. pending before 1st Additional Chief

Metropolitan Magistrate, Bangaluru.

CASES FILED BY THE PRADEEP RAJA G.

- (i) P.C.R. No. 1750 of 2019 titled Pradeep Raja G. Vs Kiran Niveditha pending before Additional Chief Metropolitan Magistrate, Bangaluru.
- (ii) P.C.R. No. 4231 of 2019 titled Pradeep Raja G. Vs. Leelavathi T (Mother of the victim) pending before CCH 29 – XXVIII Additional City Civil & Sessions Judge, Bangaluru.
- (iii) O.S. No. 25641 of 2019 titled Pradeep Raja G. Vs. Leelavathi T (Mother of the victim) pending before CCH 29 – XXVIII Additional City Civil & Sessions Judge, Bangaluru.
- (iv) O.S. No. 233 of 2019 titled Pradeep Raja G Vs. Kiran Niveditha pending before II Additional Principal Judge, Family Court Bangalore.
- (v) O.S. No. 26070 of 2019 – titled Pradeep Raja G. Vs. K.B. Thimmaraju (father of the victim) pending before CCH 75 – LXXIV Additional Civil & Sessions Judge, Bangalore.
- (vi) CrI. Appeal No. 70 of 2019 pending before VI Additional District and Sessions Judge, Tumakuru.
- (vii) CrI. P. 7011 of 2019 titled Pradeep Raja G. Vs. The State of Karnataka pending before High Court of Karnataka, Bangalore.
- (viii) Any other pending cases/complaints (Civil or Criminal) against either

parties and their family members or friends, if any.

3. That both the parties have entered into a full and final settlement / agreement in respect to the above mentioned cases on the following terms & conditions:

(I) That both the parties herein agree that they shall jointly pray to the Hon'ble Supreme Court to exercise its power under Article 142 of the Constitution of India and to grant Decree of Divorce by mutual consent, quashing and withdrawal of all Criminal and civil cases pending between the parties and their relatives, then the Respondent / husband will pay amount of Rs. 13,50,000/- (Rupees Thirteen Lakh Fifty Thousand Only) through a demand draft issued in the name of the Petitioner (Kiran Niveditha) on the next date of hearing before this Hon'ble Court. For this purpose both the parties will file appropriate application before this Hon'ble Court.

(II) That in case the Hon'ble Supreme Court is not inclined to pass the decree of divorce by mutual consent under Article 142 of the Constitution of India, then both the Parties agree and undertake to file for the Mutual Divorce Petition before the Ld. Family Court, Tumkuru, within one month of final order of the Hon'ble Supreme Court accepting the Settlement Agreement and disposing of the Special Leave Petition filed by the Petitioner. Both the parties undertake to be present before the appropriate Court for the filing and for the recording of the statements in the mutual consent divorce petition.

4. It has been agreed between both the parties that Respondent-husband Mr. Pradeep Raja G. shall pay a sum of Rs. 13,50,000/- (Rupees Thirteen Lakh Fifty Thousand Only) to Ms. Kiran Niveditha, Petitioner-wife towards her litigation

expenses. The Petitioner -wife shall not claim Stridhan, maintenance past, present, future and permanent Alimony and any other claims whether criminal or civil in nature.

5. The Respondent shall pay First installment of Rs. 5,00,000/- (Rupees Five Lakh Only) to Petitioner -wife Ms. Kiran Niveditha by way of demand draft at the time of recording of the statement in the **First Motion**.

6. The Respondent shall pay of Rs. 5,00,000/- (Rupees Five Lakh Only) to Petitioner -wife Ms. Kiran Niveditha by way of demand draft at the time of recording of the statement in the **Second Motion**.

7. The Respondent shall pay last installment of Rs. 3,50,000/- (Rupees Three Lakh Fifty Thousand Only) to Petitioner -wife Ms. Kiran Niveditha by way of demand draft at the time of quashing of Criminal Case in C.C. No. 319 of 2018 – Kiran Niveditha Vs. Pradeepraja G. pending before II Additional Senior Civil Judge and JMFC Tumakuru and Criminal Case in C.C. No. 27525 of 2019 (Bangaluru) – Kiran Niveditha Vs. Pradeepraja G. pending before 1st Additional Chief Metropolitan Magistrae, Bangaluru.

8. That both the parties herein agree that all the pending cases whether specifically mentioned or not between the parties & their family members herein shall be withdrawn and brought to closure within one week of final Order passed by this Hon'ble Court in Transfer Petitions. The parties and / or their family members, relatives or representatives undertake not to initiate any other litigation against each other in future also.

9. Both the parties have agreed and undertakes that any circulation damaging the reputation / modesty / threaten or harm to the parties if any shall be deleted / withdraw / omitted from all the social media / website or in any other form by the parties / relatives / friends / agents / employees and shall not do any such activity / circulation etc. in future. The Respondent-husband agrees and undertakes to withdraw / delete obscene photographs and videos if any, relating to Petitioner-wife from the social media or from any other form within one weeks from the date of order of this Hon'ble Court. The Respondent-husband agrees and undertake that he or his family members will not threaten the Petitioner-wife and her family members.

10. Both the parties agree and undertake that they have settled all their disputes and grievances against each other and against their family members amicably and they shall not file any complaints, proceedings whether criminal or civil, if any against each other or their family members or stake any claim on the movable or immovable, joint or ancestral, self-acquired or HUF properties of either parties and their respective families. Both the parties further undertake to withdraw the aforesaid matters or any other matter if any pending against each other anywhere.

11. By signing this Agreement, the parties hereto solemnly state and affirm that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto, through the process of Mediation.

12. That the parties are accordingly signing this settlement agreement in presence of all named above, to authenticate their will to comply the same as agreed above.

13. Both the parties further agree that while carrying out the above said stipulations no party should take advantage of its own wrong.

Sd/-
(Kiran Niveditha)
Petitioner-in-person

Sd/-
(Pradeep Raja G.)
Respondent-in-person

Sd/-
(Nagraj D)
Advocate for the Petitioner

Sd/-
(Kowshik Raja G.)
Brother of the Respondent

Sd/-
(Shanthkumar Mahale)
Advocate for the Petitioner

Sd/-
(Anindita Pujari)
Advocate for the Respondent

Sd/-
[Kiran Bhardwaj]
Advocate / Mediator
Supreme Court of India

Sd/-
[Sanjay Kumar Visen]
Advocate / Co- Mediator
Supreme Court Mediation Centre

Dated: 14th January, 2020

4. Counsel for the petitioner has moved Applications (I.A. Nos.14819/2020 & 14817/2020) for taking on record the compromise petition and for direction under Section 13(1)(b) of the Hindu Marriage Act, 1955.

5. As per settlement arrived at between the parties, a demand draft amounting to Rs.13,50,000/- (Rupees Thirteen Lakh Fifty Thousand Only) has been handed over by the respondent-Pradeep Raja G. to the

petitioner-Kiran Niveditha today in the Court.

6. Having regard to above, we are satisfied that the settlement entered into between the parties on 14.01.2020 deserves to be accepted and so also the prayer made for a decree of divorce by mutual consent in exercise of our powers under Article 142 of the Constitution of India.

7. We, accordingly, grant the decree of divorce by mutual consent to the petitioner-wife (Kiran Niveditha) and respondent-husband (Pradeep Raja G.). The undertakings given by the respective parties as noted in the settlement agreement dated 14.01.2020 are accepted. Accordingly, the marriage between Kiran Niveditha and Pradeep Raja G. solemnized on 13.08.2017 stands dissolved in terms of the aforesaid Settlement Agreement. Interlocutory Application Nos.14819/2020 and 14817/2020 are accordingly allowed.

8. In view of above, cases being (i) M.C.No.42 of 2018 titled *Kiran Niveditha Vs. Pradeep Raja G.* pending before 1st Additional Principal Judge, Tumakuru; (ii) C.C. No. 319 of 2018 titled *Kiran Niveditha Vs. Pradeep Raja G.* pending before II

Additional Senior Civil Judge and JMFC Tumakuru; (iii) Crl. Misc. DVA/1/2019 titled *Kiran Niveditha Vs. Pradeep Raja G.* pending before IV Additional Civil Judge and JMFC Tumakuru; (iv) P.C.R. No. 64 of 2019 - C.C. No. 27525 of 2019 (Bangaluru) titled *Kiran Niveditha Vs. Pradeep Raja G.* pending before 1st Additional Chief Metropolitan Magistrate, Bangaluru; (v) P.C.R. No. 1750 of 2019 titled *Pradeep Raja G. Vs Kiran Niveditha* pending before Additional Chief Metropolitan Magistrate, Bangaluru; (vi) P.C.R. No. 4231 of 2019 titled *Pradeep Raja G. Vs. Leelavathi T.* pending before CCH 29 - XXVIII Additional City Civil & Sessions Judge, Bangaluru; (vii) O.S. No. 25641 of 2019 titled *Pradeep Raja G. Vs. Leelavathi T.* pending before CCH 29 - XXVIII Additional City Civil & Sessions Judge, Bangaluru; (viii) O.S. No. 233 of 2019 titled *Pradeep Raja G Vs. Kiran Niveditha* pending before II Additional Principal Judge, Family Court Bangalore; (ix) O.S. No. 26070 of 2019 titled *Pradeep Raja G. Vs. K.B. Thimmaraju* pending before CCH 75 - LXXIV Additional Civil & Sessions Judge, Bangalore; (x) Crl. Appeal No. 70 of 2019 pending before VI Additional District and Sessions Judge, Tumakuru and (xi) Crl. P. 7011 of

2019 titled *Pradeep Raja G. Vs. The State of Karnataka* pending before High Court of Karnataka, Bangalore shall stand withdrawn to this Court and are quashed/disposed of.

9. We record and accept the undertaking given by the parties that they shall abide by the terms and conditions incorporated in the aforesaid Settlement Agreement and shall not initiate any further civil or criminal case against each other and/or their family members with regard to the matrimonial alliance.

10. Resultantly, this appeal and pending applications are disposed of in the aforementioned terms.

11. We express a word of appreciation for the sincere efforts put in by the counsel for the parties and the learned Mediators, who facilitated the parties to settle the matter in the above terms.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
FEBRUARY 10, 2020

ITEM NO.38

COURT NO.7

SECTION IV-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

Petition(s) for Special Leave to Appeal (C) No(s). 21544/2019

(Arising out of impugned final judgment and order dated 05-07-2019 in CP No. 194/2019 passed by the High Court Of Karnataka At Bengaluru)

KIRAN NIVEDITHA

Petitioner(s)

VERSUS

PRADEEP RAJA G.

Respondent(s)

(FOR ADMISSION and I.R.

IA No. 174244/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 10-02-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. Shanth Kumar V.Mahale, Adv.
Mr. Nishant Dodoamani, Adv.
Mr. Syed Faizan Ali, Adv.
Mr. Rajesh Mahale, AOR

For Respondent(s) Dr. Anindita Pujari, AOR
Ms. Deval Singh, Adv.
Mr. Om Narayan, Adv.

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

Leave granted.

The appeal and pending applications are
disposed of in terms of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(VIDYA NEGI)
COURT MASTER

(Signed order is placed on the file.)