

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 2053 of 2017

NEHA SHARMA . . .PETITIONER(S)

VERSUS

RAM KINKAR . . .RESPONDENT(S)

O R D E R

1. The marriage between the petitioner-wife and the respondent-husband was solemnized on 01.05.2015. The couple has no issues. The respondent-Ram Kinkar has filed the divorce petition in Matrimonial Suit No. 800 of 2017.

2. The petitioner-wife has filed this transfer petition seeking to transfer of the aforesaid Matrimonial Suit No. 800 of 2017 titled as Ram Kinkar vs. Neha Sharma from the Court of Principal Judge, Family Court at Varanasi, Uttar Pradesh to the Court of District and Session Judge, Aurangabad, Bihar.

3. During the course of hearing in the Supreme Court, the parties had been referred to the Supreme Court Mediation Centre where the parties have amicably settled the matter. The parties have also entered into the terms of Settlement through Mediation.

4. As per the Terms of Settlement, the respondent-husband has agreed to pay a sum of Rs. 22,00,000/- (Rupees twenty two lakhs) as permanent alimony to the petitioner-wife in full quit of all her claims.

5. The parties have arrived at Settlement Agreement on 22.08.2019. As per the Settlement Agreement, both parties have

agreed to withdraw/quash other proceedings pending between them. In compliance of the Terms of Settlement, the respondent-husband has already paid Rs.8,00,000/- (Rupees eight lakhs) to the petitioner-wife. Today on 16.12.2019, the respondent-husband has paid a sum of Rs.14,00,000/- (Rupees fourteen lakhs) by way of Demand Draft No. 110120 dated 10.12.2019 which has been received by the petitioner-wife. Since the parties have amicably settled the matter and the petitioner-wife has also received permanent alimony as per the terms of the Settlement, the marriage between the petitioner and the respondent solemnized on 01.05.2015 is to be dissolved.

6. In terms of the Settlement, the Suit No. 338 of 2017 pending before the Court of learned Civil Judge, Senior Division, Varanasi for injunction titled as Prem Shila Devi Vs. Naseeb Tiwari and Neha Sharma filed by the Respondent's mother shall stand disposed of as withdrawn. The Criminal Complaint No. 3655 of 2016 titled as Ram Kinkar Vs. Neha Sharma & Ors. under Sections 452, 504, 506, 427 IPC pending before the learned CJM Varanasi District Court, Uttar Pradesh filed by the respondent is quashed. Consequently the quash petition filed under Section 482 Cr.P.C. by the petitioner-wife before the High Court of Allahabad shall stand disposed of.

7. In view of the settlement between the parties, in exercise of our power under Article 142 of the Constitution of India, the marriage between the petitioner and the respondent solemnized on 01.05.2015 is dissolved.

8. The Registry is directed to draft a decree of dissolution of the marriage in terms of the above order and the Settlement Agreement. The Settlement Agreement between the parties shall form

part of the this order as well as the decree of dissolution of the marriage.

9. In view of the Settlement Agreement, the cases between the parties shall stand disposed of as stated above.

10. The parties are directed to bring it to the notice of the concerned Court about this order and the concerned Court shall pass the appropriate consequential orders.

11. The transfer petition is, accordingly, disposed of in above terms.

.....J.
[R. BANUMATHI]

NEW DELHI
16TH DECEMBER, 2019

.....J.
[A.S. BOPANNA]

ITEM NO.24

COURT NO.5

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). 2053/2017

NEHA SHARMA

Petitioner(s)

VERSUS

RAM KINKAR

Respondent(s)

(APPLN. FOR EXEMPTION FROM FILING O.T.
AND IA No. 114913/2017 - EX-PARTE STAY

Date : 16-12-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI
HON'BLE MR. JUSTICE A.S. BOPANNA

For Petitioner(s) Mr. Rajeev Kumar Dubey, Adv.
Mr. Ashutosh Kumar Sharma, Adv.
Mr. Anurag Tiwari, Adv.
Mr. Kamlendra Mishra, AOR

For Respondent(s) Mr. Vijay Kumar Dwivedi, Adv.
Mr. Rama Shankar, Adv.
Mr. Gautam, Adv.
Mr. Santosh Kumar, Adv.
Mr. Shubham Bhalla, 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.

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

(MADHU BALA)
COURT MASTER (SH)
(Signed order is placed on the file)

(BEENA JOLLY)
BRANCH OFFICER