

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 1963 OF 2017

MEENAKSHI

Petitioner(s)

VERSUS

HEMANT

Respondent(s)

O R D E R

1. The petitioner approached this Court seeking transfer of Case No. 1234 of 2017 titled as "Hemant Vs. Meenakshi" from the Court of Principal Judge, Dwarka Courts, New Delhi to the Family Court at Rewari, Haryana.

2. Finding that there is an element of settlement, we directed the parties to be present before this Court. On 23.10.2018, we sought to the assistance of Sh. Ajit Kumar Sinha, learned senior counsel, for assisting the parties to arrive at an appropriate settlement. Sh. Sinha submits that he has spent quite a lot of time interacting with the parties and he is also convinced that it is in the interest of both the sides to part as friends.

3. On 23.10.2018, the Court passed the following

order :-

"Mr. Ajit Kumar Sinha, learned senior counsel, who has mediated, on a request made by the Court, has reported that the parties have decided to part their ways. However, the parties have to complete certain obligations with regard to transfer of a car and payment of Rs. 4,50,000/- (Rupees Four Lakh and Fifty Thousand).

Post on 20.11.2018.

The parties are directed to complete the formalities before that date. They are also permitted to file an application under Section 13B of the Hindu Marriage Act before this Court. It is made clear that the expenses for transfer of the car will be borne by the petitioner and the needful to that effect will be done before the next date of posting.

On 20.11.2018, the parties are directed to be personally present before this Court and the respondent shall be ready with a Demand Draft for a sum of Rs. 4,50,000/- (Rupees Four Lakh and Fifty Thousand) drawn in favour of the petitioner - Meenakshi, on that date."

4. Today, the parties are present before us. We have heard the learned counsel appearing for the petitioner and the respondent, who appears in-person. We also have the assistance of Sh. Ajit Kumar Sinha, learned senior counsel. The parties have produced the Settlement Agreement (Memorandum of Understanding) dated 10.04.2018, duly signed by the parties and their respective counsel. The Settlement Agreement shall form part of the decree. In terms of the settlement, the respondent has handed over a Demand Draft dated 16.11.2018 for an amount of Rs.4,50,000/- (Rupees Four Lakhs and Fifty Thousand) to the petitioner, which has been duly acknowledged.

5. The parties have also filed a joint application under 13B of the Hindu Marriage Act. Having interacted with the parties, we are convinced that they have taken a conscious decision to part. Therefore, in terms of the settlement, the application filed under Section 13B of the Hindu Marriage Act is allowed. Accordingly, the marriage between the petitioner - Meenakshi and the respondent - Hemant is dissolved by way of a decree of divorce on mutual consent.

6. In terms of the settlement :-

(a) FIR dated 03.10.2017 bearing FIR No. 336/2017 lodged at Police Station, Kasola, District Rewari, Haryana is quashed.

(b) Criminal Case bearing Case No. 216/2018 titled as State of Haryana Vs. Hemant pending in the Court of SDJM, Bawal (in connection with FIR No. 336/2017) is quashed.

(c) Criminal Misc. Case for cancellation of anticipatory bail bearing Case No. CRM 55/2018 titled as State of Haryana Vs. Hemant, pending in the Court of ASJ, Rewari is quashed.

(d) Case No. MNT 125-62/2017 titled as "Meenakshi Vs. Hemant" pending in the court of Kavita Yadav, SDJM, Bawal is quashed.

(e) Criminal Revision case for MNT 125, being Case No. CRR 81/2018, titled Meenakshi Vs. Hemant, pending before ASJ, Rewari is dismissed.

(f) Divorce Petition being Case No. 261 of 2017 titled as Meenakshi Vs. Hemant in the Court of ADJ, Rewari is disposed of.

(g) Complaint Case being Case No. 183/2017, titled as Meenakshi Vs. Hemant pending in the court of Kavita Yadav, SDJM, Bawal, is quashed.

(h) Case No. 1234/2017 titled as Hemant Vs. Meenakshi pending in the Family Court at Dwarka Courts, Delhi is dismissed.

7. In view of the above, the Transfer Petition is disposed of.

8. We record our appreciation for the sincere efforts taken by Mr. Ajit Kumar Sinha, learned senior counsel, for helping the parties arrive at an amicable settlement.

.....J.
[KURIAN JOSEPH]

.....J.
[DEEPAK GUPTA]

.....J.
[HEMANT GUPTA]

New Delhi;
November 20, 2018.

ITEM NO.16

COURT NO.2

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). 1963/2017

MEENAKSHI

Petitioner(s)

VERSUS

HEMANT

Respondent(s)

(IA No.110730/2017-STAY APPLICATION and IA No.110731/2017-EXEMPTION FROM FILING O.T.)

(IA No. 65931/2018 - permission to appear and argue in person)

Date : 20-11-2018 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Ajit Kumar Sinha, Sr. Adv.
Ms. E. R. Sumathy, AOR

For Respondent(s) Respondent-in-person

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 interlocutory application(s), if any, is/are disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(SAROJ KUMARI GAUR)
COURT MASTER

(Signed order is placed on the file)