

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.2542/2019

PREETI MALIK

Petitioner(s)

VERSUS

ANKUSH KUMAR BHANDARI

Respondent(s)

O R D E R

1. The instant Transfer Petition filed by the petitioner (wife) seeks transfer of H.M.A. No.2769/2019 titled as "Ankush Kumar Bhandari vs. Smt. Preeti Malik" pending before the Court of Additional Principal Judge, Family Court at Ludhiana, Punjab to the Family Court (West), Tis Hazari Courts, Delhi.

2. The petition being H.M.A. No.2769 of 2019 is filed by the respondent (husband) under Section 13(1)(i-a) & (i-b) of the Hindu Marriage Act, 1955 for dissolution of marriage by a decree of divorce.

3. The marriage between the parties was solemnized on 25-8-2017 and there is no child born out of the wedlock.

4. Since the parties could not pull on together, the respondent (husband) filed the above-stated petition.

5. After issuance of notice by this Court on 13-11-2019 and at the joint request made by the learned counsel for the parties, this Court on 30-3-2022 referred the matter to the Supreme Court Mediation Centre to explore the possibility of an amicable

settlement of matrimonial disputes between the parties.

6. With the efforts of the learned Mediator, the parties have entered into a Settlement Agreement dated 2-6-2022 and a copy thereof duly signed by the parties and their respective counsel has been placed on record.

7. As per the Settlement Agreement dated 2-6-2022, the parties have resolved their disputes in terms of Para Nos. 1 to 12 contained therein, which are to the following effect:-

"1. The Respondent-husband has agreed to pay Rs. 24,00,000 (Rupees Twenty Four Lakhs Only) to the Petitioner-wife, alongwith the articles agreed to be exchanged, towards full and final settlement of all her claims towards alimony, maintenance (past, present and future), Stridhan, belongings and any other claim whatsoever and the Petitioner-wife shall return the article agreed to between the parties.

2. That it is hereby agreed between the parties that they shall jointly move an application before the Ld. M.M. in Domestic Violence Case M.C. No. 767 of 2018, after 22nd June, 2022 within one week for the compliance / exchange of articles as mentioned in the present settlement herein below.

3. That it is agreed between the parties that the husband / respondent shall pay first installment of Rs. 8,00,000/- (Rupees Eight Lakhs Only) to the Petitioner-wife Preeti Malik alongwith the articles agreed to be exchanged and the Petitioner-wife shall hand over the articles agreed to be exchanged on the same day. Both the parties shall give their statement before the Ld. M.M. on the same day and shall jointly pray for disposal of the said complaint case in view of the terms of the present settlement.

4. That it is agreed between the parties that they shall check their respective articles / jewelery at the time of exchange before Ld. M.M. and subsequently they shall not raise any dispute as to the quality and authenticity of the respective articles / jewelery agreed to be exchanged.

5. It is agreed to between the parties that the other domestic articles belonging to the Petitioner-wife only,

presently lying in the shared house shall be removed by her within one week after the recording of the statements of the parties before the Ld. MM, and thereafter, the Respondent-husband may inspect the shared household as per his convenience prior to the listing of the present Transfer Petition before the Hon'ble Supreme Court.

6. That it is hereby agreed between the parties that they shall jointly pray for decree of divorce before the Hon'ble Supreme Court at the time of next date of hearing by invoking the inherent powers under Article 142 of the Constitution of India and for grant of divorce by mutual consent as both the parties are staying separately since last more than three years and there is no hope for reunion/reconciliation and the Respondent-husband shall pay remaining amount of Rs. 16,00,000/- (Rupees Sixteen Lakh Only) to the Petitioner-wife and the Petitioner wife shall hand over the keys which are under her possession to the Respondent husband of the shared household i.e K-211, DLF, Moti Nagar, New Delhi - 110015 at the time of receiving of the agreed amount and will not claim any right whatsoever over the said property. The parties shall jointly request the Hon'ble Supreme Court for quashing of FIR No. 494 of 2019 under Section 498A, 406, 34 IPC P.S. Motinagar titled State Vs. Ankush Bhandari.

7. It is hereby agreed between the parties that in case this Hon'ble Court declines to grant decree of divorce under the inherent powers under Article 142 of the Constitution of India, then both the parties shall file petition for divorce by mutual consent under section 13(B) (1) and (2) as per provisions of Hindu Marriage Act, 1956 at Delhi and in that case the remaining amount Rs. 16,00,000/- (Rs. Sixteen Lakhs only) shall be paid in the following manner:-

- a. Second installment of Rs. 8,00,000/- to be paid by the respondent husband to the petitioner wife at the time of recording of statement of parties under first motion as per provisions of H.M.A and the petitioner wife shall handover the keys of shared house to the respondent husband on same day.
- b. Third installment of Rs. 4,00,000/- to be paid by the respondent husband to the petitioner wife at the time of recording of statement of parties under second motion as per provisions of H.M.A.
- c. Last installment of Rs. 4,00,000/- to be paid by the respondent husband to the petitioner wife at the time of quashing of F.I.R 494 of 2019 under section 498-A, 406, 34 I.P.C. P.S Moti Nagar and proceedings arising out of the said FIR before Hon'ble High Court

of Delhi against all the person named therein.

8. That the following cases are pending between the parties:-

(i) Complaint M.C. Case No. 767 of 2018 titled Preeti Malik Vs. Ankush Bhandari, under Section of 12 of D.V. Act pending before Ld. M.M. West, Tis Hazari Court, Delhi

(ii) H.M.A Petition No. 1888 of 2019 under Section 9 of H.M. Act, pending before Ld. Judge, Family Court, West Tis Hazari Court, Delhi.

(iii) FIR No. 494 of 2019, under Section 498A, 406, 34 IPC P.S. Motinagar titled State Vs. Ankush Bhandari.

(iv) Divorce Petition No. 2769 of 2019 titled Ankush Kumar Bhandari Vs. Smt. Preeti Malik under Section 13 of the H.M.A. pending in the Court of Additional Principal Judge Family Court, Ludhiana, Punjab.

(v) Crl. MC. NO. 2748 of 2021 titled Ritu Vasudeva & Anr. Vs. State of NCT of Delhi and Crl. M.C. No. 2749 of 2021 titled Ashok Bhandari Vs. State of Nct of Delhi both pending before High Court of Delhi.

(vi) If any other pending civil / criminal proceedings / petitions.

The parties hereby agree to withdraw all the above noted pending cases within one month from the date of the divorce decree passed by this Hon'ble Court in its inherent powers conferred under Article 142 of Constitution of India and seek quashing / withdrawal / final disposal of all above noted pending cases.

9. It is hereby agreed between the parties that whenever any cooperation of the Petitioner-wife is required for quashing of the FIR No. 494 of 2019, under Section 498 A, 406, 34 IPC, then the Petitioner-wife shall extend her full cooperation by executing appropriate documents and by appearing in person before the concerned court and shall give her no objection in quashing of the said FIR against all the persons named therein.

10. That It is agreed between the parties that the Gold Jewellery/ articles returned to each other before the Ld. MM :-

The Articles / Gold Jewellery returned by the Respondent-husband to the Petitioner-wife			
Sr. No.	Gold Jewellery / articles	Quantity / weight	
1	Gold Set	1	
2	Pendent Set	1	

3	Gents Chain	1	
4	Gents Kada	1	
5	Gold Set	1	
6	Gold Set	1	
7	Gold Chain	1	
8	Gold Chain	1	
9	Ear Rings	1pair	
10	Ear Rings	1 pair	
The Articles / Gold / Diamond Jewellery returned by the Petitioner-wife to the Respondent - husband			
1	Diamond Mangalsutra with Earrings	1	

11. That the Petitioner and the Respondent have agreed that none of them would initiate any other legal action or complaint against each other or against the family members of each other in future.

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

8. It is acknowledged by the petitioner (wife) that earlier she has received a sum of Rs.8,00,000/- from the respondent and the balance amount of Rs.16,00,000/- has been handed over to her today in the Court by the petitioner by way of a Demand Draft being No.000024000 dated 20-7-2022 of Rs.16,00,000/- drawn in favour of the petitioner.

9. We are also informed that in deference to the Settlement Agreement, the domestic violence case being MC No.767/2018 has been withdrawn on 2-7-2022. The other terms and conditions have also been duly honoured by the parties.

10. As may be seen from clause Nos. 6 and 7 of the Settlement Agreement, the parties have decided to part their ways by obtaining a decree of divorce by mutual consent.

11. We are informed that the parties are living separately from the last 3 years.

12. In this view of the matter, when the parties have decided to bury their disputes mutually through Settlement Agreement and have already acted upon in furtherance thereto, we find it a fit case to invoke our powers under Article 142 of the Constitution of India to do complete justice between the parties and treat this Transfer Petition as a joint application filed on their behalf under Section 13 (B) (1) and (2) of the Hindu Marriage Act, 1955 for grant of divorce by mutual consent.

13. The said petition is, accordingly, allowed and the marriage between the parties is dissolved by way of a decree of divorce by mutual consent.

14. The Settlement Agreement dated 2-6-2022 shall form part of this Order.

.....J
(SURYA KANT)

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

NEW DELHI;
29TH AUGUST, 2022.

ITEM NO.56

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(Civil) No.2542/2019

PREETI MALIK

Petitioner(s)

VERSUS

ANKUSH KUMAR BHANDARI

Respondent(s)

(IA No. 50640/2020 - EXEMPTION FROM FILING AFFIDAVIT, IA No.50639/2020 - EXEMPTION FROM FILING O.T. & IA No. 161440/2019 - STAY APPLICATION)

Date : 29-08-2022 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. Amit Dubey, Adv.
Mr. Anurag Dubey, Adv.
Mr. Vikas Kakkar, Adv.
Mr. Sarthak Dubey, Adv.
Ms. Sonika Singh, Adv.
Mr. Atishi Dipankar, AOR

For Respondent(s)

Mr. Nikhil Singhvi, Adv.
Mr. Mohit Seth, Adv.
Mr. Bilal Ikram, Adv.
Ms. Supriya Juneja, AOR

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

1. Exemption applications are allowed.
2. The Transfer Petition is allowed, in terms of the signed order.
3. Pending application filed in the matter also stands disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

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

(Signed Order is placed on the file)