

Comprehensive mediation sessions were held with the parties separately and jointly in presence of their respective counsels on 13.5.2017, 25.5.2017, 9.6.2017 and today i.e. on 7.7.2017.

Both the parties hereto have settled their dispute in following manner:-

1. That the respondent-husband will withdraw O.S. No. 55 of 2016 under Section 13 H.M.A. pending in the principal Judge, Family Court Palamau at Daltonganj filed by him.

2. That it is agreed between the parties that they shall jointly pray for treating divorce petition O.S. No. 55 of 2016 as divorce petition with mutual consent before the Hon'ble Supreme Court at the time of next date of hearing invoking the inherent power 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 4 years and there is no hope for reunion/reconciliation. In case this Hon'ble Court declines the above prayer then the parties shall file petition for mutual divorce before the competent Court Palamau at Daltonganj, Jharkhand within one month from the disposal of the present Transfer Petition.

3. The petitioner-wife is not taking any amount towards full and final settlement of all her claims towards alimony, maintenance (past, present and future), Stridhan, belongings and any other claim whatsoever. However, all rights of the minor son qua the respondent-father shall remain intact.

4. That the respondent-husband will pay a minimum amount of Rs.10,000/- (Rupees Ten Thousand Only) per month for the maintenance of their minor child namely Sakshya Shubham aged about 8 years on or before every 10th of the Month which shall start from July, 2017 and he will also pay any further amount which occurs on account of education of the child. For this purpose Bank account of the minor child shall be opened by the petitioner-wife under her guardianship and the account number should be communicated to the respondent-husband within 15 days of the opening of the same. However, the amount of maintenance of month of July, 2017 shall

be deposited in August, 2017 alongwith the payment of Rs.10,000/- of month of August, 2017 subject to the above intimation of Bank Account by the petitioner.

5. The respondent-husband shall have visitation right of the minor child namely Sakshya Shubham on weekends and any other duration that the parties may mutually agree with the prior intimation to the petitioner.

6. In summer vacation of the school, the respondent-husband shall have visitation rights for 15 days of the summer vacation with prior intimation to the petitioner-wife. The respondent can take child with him with the prior intimation.

7. That the petitioner and the respondent have agreed that none of them or their family members or anyone involved in any of the cases related to this matrimonial alliance will initiate any other legal action or complaint against each other or against the family members of each other or anyone involved with respect to this matrimonial dispute.

8. That in case there is any other case/complaint pending before any Court/Authority filed by any of the parties involved in any of the case filed or their family members apart from cases detailed in the present agreement with regard to matrimonial dispute shall be withdrawn by the respective parties within 4 weeks from the signing of this agreement.

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

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

11. The parties undertake to abide by the terms and conditions set out in the above mentioned Agreement, which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth.

11. The contents of this settlement-agreement have been explained to all the parties through their respective counsels."

We have perused the settlement agreement. Accepting the said settlement, we direct that the parties shall abide by the terms and conditions incorporated in the settlement agreement.

In the course of hearing, learned counsel for the parties submitted that this Court may grant divorce.

In view of the aforesaid, we think it appropriate to direct that the marriage between the parties stands dissolved on consent. We appreciate the efforts made by the learned Mediator to convince the parties and make them arrive at the settlement.

The transfer petition is accordingly disposed of. Pending interlocutory applications, if any, also stand disposed of.

.....CJI.
[Dipak Misra]

.....J.
[A.M. Khanwilkar]

.....J.
[Dr. D.Y. Chandrachud]

New Delhi;
January 16, 2018.

ITEM NO.17

COURT NO.1

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. 106/2017

KAVI SHARMA @ KAVITA SHARMA

Petitioner

VERSUS

SAURABH SHUBHAM

Respondents

(FOR STAY APPLICATION ON IA 1/2017)

Date : 16-01-2018 This matter was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE A.M. KHANWILKAR
HON'BLE DR. JUSTICE D.Y. CHANDRACHUD

For Petitioner

Mr. Aditya Singh, AOR
Mr. Rajiv Dalal, Adv.

For Respondent

Mr. Sureshan P., 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 interlocutory applications, if any, also
stand disposed of.

(Deepak Guglani)
Court Master

(H.S. Parasher)
Assistant Registrar

(Signed order is placed on the file)