

NON-REPORTABLE
IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CONTEMPT PETITION (CIVIL) NO. 738 OF 2017
IN
TRANSFER PETITION (CIVIL) NO. 726 of 2015

JASMINE CHARANIYA ... PETITIONER(S)

VERSUS

AHMED CHARANIYA ... RESPONDENT(S)

ORDER

1. The parties are before this Court in contempt jurisdiction. The allegation is that the respondent-husband has not complied with the terms of settlement. Though a contempt jurisdiction, being essentially a dispute in the family, this Court travelled an extra mile involving the service of Mr. Pallav Shishodia, learned Senior Counsel, Ms. Shalini Shishodia and Mr. Sunil Mittal, learned Mediators.

2. On 03.08.2017, this Court passed the following, which reads as under:

“The parties are present in Court today. The disputes have arisen after a compromise and, therefore, we sought the assistance of Mr. Pallav Sisodia, learned senior counsel, who in turn associated with Mrs. Shalini Sisodia and Mr. Sunil Mittal, learned senior counsel.

We are glad to note that the parties have arrived at a settlement and they have filed the terms of settlement, duly signed by them and their respective counsel. The said 'Further Agreement of

Settlement' dated 02.08.2017 is taken on record.
List on 10.08.2017.”

3. On 10.08.2017, the following further Order was passed:

“The parties have been before this Court fighting on certain matrimonial disputes. It appears, they had arrived a settlement but there is an allegation that the settlement terms have not been strictly complied with which necessitated them to approach this Court again.

Thanks to the intervention of Mr. Pallav Shishodia, learned senior counsel, Ms. Shalini Shishodia and Mr. Sunil Mittal, learned mediators, we are informed that the settlement terms have been clarified and further agreement of settlement has been signed by the parties and their respective advocates on 02.08.2017. The same has been filed before this Court and has been taken on record.

We direct the parties to go by the terms of original settlement and as agreed to in the further agreement dated 2.8.2017 and strictly abide by those terms. What remains is only the fate of the criminal proceedings pending between the parties as also the fate of their marriage. We are informed that the First Motion has already been made as early as on 6.4.2016 before the Family Court under Section 28 of the Special Marriage Act, 1954.

We restrain the parties from instituting any fresh litigations or filing any complaint/petition before any Authority or Court without leave of this Court. All the pending litigations between the parties shall also remain stayed.

We make it clear that institution of fresh litigations between the parties will include the members of the family of either side as well.

Post on 10.10.2017.”

4. Thereafter, we are happy to note that the parties have finally sorted out their differences and have reached a final settlement. In terms of the settlement, the parties have filed

an Interlocutory Application No. 73033 of 2017. After referring to the entire background of this dispute and the settlement, the parties have also prayed for divorce by mutual consent under Section 28 of the Special Marriage Act, 1954.

5. Having regard to the entire background of the disputes and the steps taken by this Court, as reflected in our Orders dated 03.08.2017 and 10.08.2017, we are of the view that there is no point in relegating the parties to any other forum for a decree of divorce by mutual consent under the Special Marriage Act, 1954. Contextually, we may also note that the parties have already filed a petition under Section 28 of the Special Marriage Act, 1954 before the Principal Judge, Family Court, Patiala House, New Delhi.
6. Accordingly, Interlocutory Application No. 73033 of 2017 is allowed. The marriage between Ms. Jasmine Charaniya and Mr. Ahmed Charaniya is dissolved by a decree of divorce by consent. Since the terms of settlement have been reduced in the application, the application shall form part of this Order.
7. In case the parties have any grievances with regard to the working of the terms of settlement, we make it clear that they shall mention it only before this Court and shall not take any other recourse before any other forum. Needless to say

that this Order is a supplement to the Order dated 16.10.2015 passed by this Court which recorded the terms of settlement dated 18.09.2015.

8. Subject to the above, the Contempt Petition is disposed of.
9. Rule discharged.
10. We record our appreciation for the yeoman service rendered by Mr. Pallav Shishodia, Ms. Shalini Shishodia and Mr. Sunil Mittal, learned Mediators.

.....J.
(KURIAN JOSEPH)

.....J.
(R. BANUMATHI)

**NEW DELHI;
OCTOBER 10, 2017.**

ITEM NO.10

COURT NO.4

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

CONMT.PET. (C) No. 738/2017 In T.P. (C) No. 726/2015

JASMINE CHARANIYA

Petitioner(s)

VERSUS

AHMED CHARANIYA

Respondent(s)

IA No.73033/2017-JOINT APPLICATION FOR DIVORCE)

Date : 10-10-2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MRS. JUSTICE R. BANUMATHI

For Petitioner(s) Ms. Kopila K. Kandhari, Adv.
Mr. S.C. Duggal, Adv.
Mr. Shekhar Kumar, AOR

For Respondent(s) Ms. Ekta Sikri, Adv.
Ms. Ranjeeta Rohatgi, AOR
Mr. Vikalp Mudgal, Adv.

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

Rule discharged.

I.A.No.73033/17 is disposed of.

The contempt petition is disposed of in terms of the non-reportable order.

Pending application, if any, stands disposed of.

(USHA RANI BHARDWAJ)
AR CUM PS

(RENU DIWAN)
ASST.REGISTRAR

Signed non-reportable order is placed on the file.