

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 83/2019

DIVYA NAIR

Petitioner(s)

VERSUS

ARJUN SASIKUMAR

Respondent(s)

(FOR ADMISSION and IA No.6308/2019-EX-PARTE STAY Mediation Report received.

IA No. 49352/2019 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 49423/2020 - CLARIFICATION/DIRECTION

IA No. 6308/2019 - EX-PARTE STAY

IA No. 49424/2020 - EXEMPTION FROM FILING O.T.

IA No. 19918/2019 - PERMISSION TO FILE ADDITIONAL
DOCUMENTS/FACTS/ANNEXURES

IA No. 30684/2019 - VACATING STAY)

WITH

T.P.(C) No. 463/2019 (XVI-A)

(FOR

FOR STAY APPLICATION ON IA 37085/2019

IA No. 37085/2019 - STAY APPLICATION)

Date : 26-10-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Ranjith K. C., AOR

Mr. Kush Chaturvedi, AOR

For Respondent(s) Mr. Siddharth Bhatnagar, Sr. Adv.

Mr. Kush Chaturvedi, AOR

Ms. Priyashree Sharma Ph, Adv.

Mr. Ranjith K. C., AOR

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

This is a case where both parties entered into a
Settlement Agreement. Under the terms of the Settlement
Agreement, the parties agreed to have dissolution of their

marriage by mutual consent. They also agreed that the custody of the minor boy will be with the father until the boy completes the age of 14. The mother was granted Visitation Rights, Permanent Alimony and the right to have transfer of some property towards settlement of maintenance.

Unfortunately, both parties have complaint against each other that the terms of the Settlement Agreement are not being complied with.

In order to enable the parties to move forward for the enforcement of the Settlement Agreement, it was suggested by this Court that the petitioner\wife shall visit Ernakulam on a date pre-fixed by her and will stay at Ernakulam for a period of 4-5 days or for a period as required by the Husband to complete all the formalities. During the period of the stay of the wife at Ernakulam, the husband shall effect transfer of the property as agreed under the Settlement Agreement and the wife shall make payment of the amount agreed. During the period of her stay at Ernakulam, the husband shall hand over the temporary custody of the child to the wife. Both parties shall ensure that they do not go to the Police and harass each other during this period. Both parties shall endeavour to honour the commitment under the Settlement Agreement. After all the formalities are completed at Ernakulam, the wife may hand over the custody of the child to the husband and return back. The remaining terms of the Settlement Agreement should form part of the final order to be passed in the Transfer Petition.

Call the matters after three weeks.

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)