

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 10923 OF 2017
[@ SPECIAL LEAVE PETITION (C) NO. 7552 OF 2016]

VIJAY KAPOOR

APPELLANT(S)

VERSUS

ANJU KAPOOR

RESPONDENT(S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The parties have been before this Court ever since March, 2016. It has a chequered history of matrimonial dispute between the appellant and the respondent. Thanks to the intervention of the sister of the appellant, Ms. Ritu Batta, the disputes have been settled between the parties amicably. They have also produced before this Court a Memo of Settlement dated 25.08.2017, duly signed by the parties and their respective counsel. The same is taken on

record and it shall form part of this judgment. The parties have also handed over in Court an application for divorce by mutual consent under Section 13B of the Hindu Marriage Act.

3. Having regard to the prolonged litigation between the parties and long separation, spanning over a period of around 12 years, we are of the view it is in the interest of the respective families to give a quietus to the agony.

4. In the above circumstances, exercising our jurisdiction under Article 142 of the Constitution of India, the marriage between the appellant and the respondent is dissolved by a decree of divorce by mutual consent. The parties shall abide by the terms and conditions referred to in the Memo of Settlement dated 25.08.2017. The parties have also undertaken before this Court that their separation and divorce shall not stand in the way of cooperating with the marriage and other related functions of the children born to them.

5. Ms. Ritu Batta, the sister of the appellant to whom the property has been transferred by the appellant/Vijay Kapoor and his parents, submits, in terms of the settlement, that the property is

actually to be settled in favour of the respondent/Anju Kapoor and the two children, namely, Vedant Kapoor and Akshita Kapoor.

6. The flat, referred to in the terms of settlement, shall be settled by Ms. Ritu Batta along with the appellant/Mr. Vijay Kapoor and his parents in favour of Ms. Anju Kapoor/respondent, by way of a deed of settlement.

7. We, however, make it clear that in view of the transaction being essentially a family settlement, the Registrar concerned for registering the document shall levy only the required fee for deed of family settlement. The transaction, as above, shall be completed by Mr. Ritu Batta, Mr. Vijay Kapoor and his parents within four weeks from today.

8. Since the disputes between the parties have been settled, the mobile phone of Mr. Vijay Kapoor, deposited in the High Court, will be returned to him and the attachment of the flats shall also stand released.

9. We record the submission of Mr. Vijay Kapoor/appellant that records, if any, belonging to the children kept with him will be returned.

10. The appeal is, accordingly, disposed of.

11. Pending applications, if any, shall stand disposed of.

12. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

.....J.
[R. BANUMATHI]

NEW DELHI;
AUGUST 25, 2017.

ITEM NO.17

COURT NO.5

SECTION XVI

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

Petition(s) for Special Leave to Appeal (C) No(s). 7552/2016

(Arising out of impugned final judgment and order dated 01-03-2016
in CO No. 1183/2012 passed by the High Court at Calcutta)

VIJAY KAPOOR

Petitioner(s)

VERSUS

ANJU KAPOOR

Respondent(s)

(WITH IA No.67761/2017-APPROPRIATE ORDERS/DIRECTIONS)

Date : 25-08-2017 This petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mr. Vishwajit Singh, AOR
Mr. Gaurav Singh, Adv.
Mrs. Veera Kaul Singh, Adv.
Mr. Pankaj Singh, Adv.

For Respondent(s) Mr. Anurag Pandey, Adv.
Ms. Reena Pandey, AOR
Mr. Kaushik, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed judgment.

(NARENDRA PRASAD)
COURT MASTER

(RENU DIWAN)
ASST. REGISTRAR

(Signed "Non-Reportable" Judgment is placed on the file)

P.S.: Original application for divorce by mutual consent along
with Memo of Settlement dated 25.8.17 along with affidavits
are enclosed herewith.