

Jimmy Sudarshan Purohit

v.

Sudarshan Sharad Purohit

(Y.K. Sabharwal and P.P. Naolekar,Jj.,)

(Supreme Court Of India)

Transfer Petition (Civil) No. 703 Of 2003 | 06-12-2004

1. This transfer petition has been filed by the wife against the husband/respondent seeking transfer of P.A. No. 334/2003, entitled Mr. Sudarshan Sharad Purohit v. Mrs. Jimmy Sudarshan Purohit, pending in the Family Court No. 1 at Pune, Maharashtra, to appropriate Court at Jaipur, Rajasthan. Prima facie, finding that the family dispute can be settled, we requested Mr. S. Muralidhar, Advocate, to assist the parties as mediator since it was represented to us that the settlement might not be possible without the assistance of an independent mediator. With the intervention of learned Counsel, the matter has now been settled. We place on record our appreciation for the assistance rendered by Mr. Muralidhar.

2. A joint application under Section 13-B of Hindu Marriage Act, 1955 has been filed. Learned Counsel contend that instead of relegating the parties to various proceedings between them and prolonging their agony, this Court, in exercise of power under Article 142 of the Constitution, may dissolve the marriage by granting divorce on mutual consent and pass other appropriate orders. As per settlement petition, the last instalment of a sum of Rupees four lakhs, out of the total amount of Rupees ten lakhs, was payable to the petitioner by 31st December, 2004. The said payment has, however, been made today by the respondent to the petitioner by way of Demand Draft. The earlier payment of Rupees six lakhs is admitted. Having regard to the facts and circumstances of the case, in exercise of our power under Article 142 of the Constitution, we allow the application and pass a decree for divorce on mutual consent of the parties on the terms stated in the application, which shall form part of this order. Further, the proceedings, mentioned hereinbelow, arising out of the dispute between the parties are quashed.

“(A) Divorce Petition-P.A. No. 334/2003, Mr. Sudarshan Sharad Purohit v. Mrs. Jimmy Sudarshan Purohit — pending in the Family Court No. 1 at Pune, Maharashtra under Section 3(1)(ia) and (ib) of the Hindu Marriage Act, 1955;

(B) Criminal Case pending in the Court of Special Judge, Harassment of Women for Dowry, Jaipur City, Jaipur vide FIR No. 63/2003 dated 24.6.2003, P.S. Women Cell, South, Jaipur against respondent, his parents, Chacha and Mama under Sections 498A and 406 of IPC;

(C) Application No. 218/2003: Smt. Jimmy v. Sudarshan Purohit, pending before the Family Court No. 1, Jaipur City, Jaipur under Section 125 of Cr.P.C.; and

(D) Case No. 155/2003 (Civil Suit): Smt. Jimmy v. Sudarshan Purohit & Ors., pending in the Court of Additional District and Sessions Judge No. 8, Jaipur City, Jaipur for recovery of dowry, Stridhan, etc.”

3. It is represented that some of the documents of the petitioner are lying with the police. She can approach the police and, in view of the settlement, the police authorities are directed to return back those documents to the petitioner.

4. The transfer petition and the application are disposed of accordingly.