

SUPREME COURT OF INDIA

Saswati Parida

Vs.

Rohit Parida

T.P.(Civil)No.40 of 2007

(Ashok Bhan and Dalveer Bhandari,JJ.)

18.02.2008

ORDER

1. The present petition has been filed by the petitioner-wife seeking transfer of Hindu Marriage Petition No.677 of 2006 pending before Addl.District Judge/Family Court No.19, Tis Hazari, Delhi to a court of competent jurisdiction or the Family Court at Mumbai, Maharashtra.

3. In order to explore the possibility of a settlement, this Court on 10th August 2007, referred the matter to the Mediation Centre, Tis Hazari, Delhi. On conclusion of the mediation proceedings, Mr. Sunil Gaur, Judge Incharge, Mediation Centre, Tis Hazari, Delhi has sent a report dated 22nd September 2007. As per the report, the parties have entered into a settlement and have agreed to dissolve their marriage by a decree of divorce by mutual consent without making allegations and counter allegations against each other. The consent terms have been signed by Dr. Sudhir Kumar Jain, Mediator/Settlement Judge, by both the parties and their respective advocates. Copy of the report be kept on record. T.P.(C)No.40/07 I.A.No.2 has been filed by the respondent for disposal of the transfer petition in terms of the settlement arrived at between the parties. As per one of the terms of settlement, the respondent-husband had agreed to pay a sum of Rs.30,00,000/- (Rupees thirty lac). Accordingly, two Demand Drafts, viz., Demand Draft No.009157 dated 07.12.2007 for Rs.20,00,000/- and Demand Draft No.009158 of the same date for a sum of Rs.10,00,000/- both drawn on H.D.F.C. Bank, Mumbai Fort, have been handed over to the counsel for the petitioner in Court today. It has also been prayed in I.A.No.2 that in view of the settlement arrived at between the parties, criminal proceedings arising out of FIR No.224/2004 pending in the Court of 9th Judicial Magistrate, Alipore, Kolkata, South 24 Parganas, West Bengal bearing No.BGR Case No.3303/2004 (TR)No.535/2006 initiated by the petitioner be quashed. We order accordingly. So far as the Hindu Marriage Petition No.677 of 2006 pending before Addl. District Judge/Family Court No.19, Tis Hazari, Delhi is concerned, since the parties have now agreed to dissolve the marriage by a decree of divorce by mutual consent, the Family Court may now proceed to decide the petition for divorce in terms of the settlement arrived at between the parties. Parties are directed to appear before the said Court on 10th March 2008. T.P.(C)No.40/07

4. The report (in original) of the mediation proceedings wherein settlement between the parties has been recorded be sent to the Addl.District Judge/Family Court No.19, Tis Hazari, Delhi.

5. I.A.No.2 and the transfer petition are disposed of accordingly.