

SUPREME COURT OF INDIA

Jasmeet Kaur

Vs.

Jaspreet Singh

T.P.(Civil) No.355 of 2007

(H.K.Sema and Markandey Katju, JJ.)

29.02.2008

ORDER

1. This transfer petition is filed by the wife. It appears that a decree of divorce has already been granted by the Family Court. What is pending at Family Court, Hardwar is an application filed under Order 9 Rule 13 CPC by the petitioner to set aside the divorce decree. Pursuant to our notice the respondent appears. Learned counsel for the respondent stated that the respondent is now remarried and having a child from the second wife.

2. In the facts and circumstances of this case, in our view, the only relief that can be granted to the petitioner is by way of awarding compensation/maintenance allowance. Situated as such, we invoked our power under Article 142 in order to do complete justice to the parties. We direct the respondent-husband to give a lump sum compensation of Rs.2,00,000/- (two lakhs) to the petitioner-wife. The payment of compensation shall be made within six months from today. If the payment is not made within the stipulated time, it will carry an interest at the rate of 9% per annum from the due date till the payment is made. The application under Order 9 Rule 13 CPC pending before the Family Court, Hardwar shall stand dismissed.

3. The transfer petition is disposed of accordingly.