

SUPREME COURT OF INDIA

Alok Mishra

Vs.

Garima Mishra

Transfer Petition (Civil) NO.445 of 2008

(Dr. Arijit Pasayat, D.K. Jain and Dr. Mukundakam Sharma JJ.)

27.02.2009

JUDGMENT

Dr.Arijit Pasayat, J.

1. These transfer petitions were listed in the Supreme Court Lok Adalat held on 7th February, 2009. With the efforts of the mediators of the Delhi High Court Mediation and Conciliation Centre, the parties had arrived at a settlement which reads as follows:

“This SETTLEMENT AGREEMENT is entered into on 6th day of February, 2009 between: Shri Alok Mishra (Husband), Son of late Shri Jaiprakash Mishra, C/o Mr. Adrash Mishra, R/o A-10, LG Housing Society, Sector Pie, Greater Noida, Dist. Gautam Budh Nagar, Uttar Pradesh and Smt. Garima Mishra (Wife), W/o Shri Alok Mishra, R/o HIGD - 6, Dhanwantri Nagar, Jabalpur, Madhya Pradesh. WHEREAS:

1. Disputes and differences had arisen between the Parties hereto leading to filing of Transfer Petition (Civil) No.870/2007 and Transfer Petition (Civil) No.445/2008 before the Hon'ble Supreme Court of India.

2. The matter was referred to Mediation and Conciliation Centre Delhi High Court for exploring the possibilities of settlement between the parties.

3. The parties agreed that Ms. Kamlesh Mahajan and Mr. Inderbir Singh Alag, Advocates would act as their Conciliators/Mediators in the matter of Mediation and Conciliation proceedings.

4. The parties pursuant to discussions, deliberations and negotiations held with the assistance and help of the Mediators have resolved their disputes/differences and have agreed to dissolve their marriage on the following terms and conditions:

(i) The husband, namely, Alok Mishra would pay a total sum of Rs.8,50,000/- (Rupees Eight Lakhs Fifty Thousand only) to the wife, namely, Garima Mishra as full

and final settlement towards the rights of the wife towards alimony, maintenance, etc. which the wife accepts for a full and final settlement of her rights towards the alimony, maintenance, etc. in the following manner: (a) Rs.3,00,000/- by way of cheque dated 7.2.2009; (b) Rs.2,75,000/- by way of a post-dated cheque dated 22.2.2009; and (c) Balance amount of Rs.2,75,000/- by way of post- dated cheque dated 7.3.2009.

(ii) The husband assures that the said cheques would be good on presentation, would have sufficient funds in the accounts for honouring all the above cheques.

5. The husband would return the following items and other miscellaneous items to the wife on 7.2.2009 at the Hon'ble Supreme Court: From mother's side to the wife (i) Necklace (ii) Teeka (iii) Payal (iv) Bichiya (v) Chain (vi) Locked suitcase (with sarees inside) Gifted to the Husband (i) Chain (ii) Two rings (iii) Watch (iv) Silver coins

6. That on the above terms and conditions, the parties has resolved their disputes and would request the Hon'ble Supreme Court of India to pass necessary orders/decree for dissolving the marriage between the parties.

7. That both the parties will withdraw proceedings, if any, civil or criminal, instituted by them against each other.

8. By signing the Agreement the parties hereto state that they have no further claims or demands against each other and all the disputes and differences in this regard have been amicably settled by the Parties hereto through the process of Conciliation/Mediation.

9. That the parties undertake to the Hon'ble Court to abide by the terms and conditions set out in the agreement and not to dispute the same hereinafter in future.”

2. We accept the settlement which appears to be in the interest of the parties. It is accepted that the requisite steps to give effect to the settlement have been taken. In view of the settlement the marriage between the parties stands dissolved by virtue of this order. It appears that certain cheques have been deposited by the petitioner with the Registry of this Court. They shall be handed over to the Member-Secretary, NALSA, to be further handed over to the respondent.

3. We record our appreciation for the commendable efforts made by learned Mediators of the Delhi High Court Mediation and Conciliation Centre who acted as amicus curiae.

4. Transfers petitions are accordingly disposed of.