

**SUPREME COURT OF INDIA**

Ritesh Saxena & Anr.

Vs.

Kirti Srivastava

Crl.A.No.1071-1072 of 2011

(Dalveer Bhandari and Deepak Verma,JJ.,)

29.04.2016

**ORDER**

1. Leave granted.
2. We have heard the learned counsel for the Parties.
3. During the pendency of these matters, the parties were referred for mediation. At our request Mrs. Indira Jaisingh, learned Additional Solicitor General and Ms. Aparna Bhat, Advocate agreed to mediate in this matter and by their efforts, the parties have agreed to obtain a decree of divorce by mutual consent. They undertake to withdraw all the allegations made against each other in the proceedings. This is a part of the settlement between the parties before this Court.
4. By the consent of the parties, the following cases are transferred to this Court:
  - “i. G & WC No.189 of 2006, pending before the Family Court Judge at Bangalore;
  - ii. M.C. No.1941 of 2007, pending before the Family Court Judge at Bangalore;
  - iii. Crl. Misc. No.130 of 2008, pending before the Metropolitan Magistrate 1, Traffic Court, Mayo Hall, Bangalore;
  - iv. Criminal Appeal Nos.25129 & 25130 of 2009, pending before the Additional Civil & Sessions Judge (FTC-3), Mayo Hall, Bangalore.”
5. We have heard the learned counsel for the parties and talked to both the appellant and the respondent. In the peculiar facts and circumstances of these cases, we deem it appropriate to grant a decree of divorce to the parties by mutual consent disposing of all the cases.

6. Accordingly, M.C. No.1941 of 2007 is also taken on Board and we convert it to one under Section 13B of the Hindu Marriage Act and grant divorce to the parties by mutual consent.

7. We make it clear that the appellant Ritesh Saxena will have visitation rights to meet his son from 10.00 a.m. to 6.00 p.m. on two Sundays in a month, at the residence of the respondent Kirti Srivastava. In case, for any reason, it is not possible to have visitation on any particular Sunday, then it would be on the following Saturday for the same time. The appellant Ritesh Saxena would be at liberty to move the Family Court at Bangalore after one year, for longer visitation rights, particularly during school holidays. The Family Court, after hearing all the parties, would decide the request of the appellant for permitting the child to stay for some time with the appellant during school holidays.

8. The appellant Ritesh Saxena is directed to continue to pay the maintenance of Rs.10,000/- per month to the respondent Kirti Shrivastava and the same shall be paid before 10th of every month.

9. With these observations and directions, these appeals along with Crl. M.Ps. and all the transferred cases are disposed of.

10. The learned Additional Solicitor General Ms. Indira Jaisingh and Ms. Aparna Bhat, Advocate have spared their valuable time in exploring amicable settlement in this matter at our request. We place on record our appreciation for their efforts. We also appreciate the positive approach of the learned counsel appearing for the parties.