

**SUPREME COURT OF INDIA**

Aditi Wadhera

Vs.

Vivek Kumar Wadhera

T.P.(Civil)No.569 of 2014

(Kurian Joseph and R.F.Nariman,JJ.,)

04.08.2016

**JUDGMENT**

**Kurian Joseph,J.,**

1. By way of transfer Petition (C) No. 569 of 2014, the petitioner-wife had approached this Court for transfer of Suit No. HMA 32/2013 titled 'Vivek Kumar Varinder Wadhera Vs. Aditi Vivek Kumar Wadhera' filed under Section 13B of the Hindu Marriage Act, 1955, from District & Sessions Court, Panchkula, Haryana to the Family Court, Pune, Maharashtra.

2. During the pendency of the proceedings before this Court, parties were referred to mediation. Thanks to the cooperation extended by the parties and the learned counsel appearing for the parties, it is heartening to note that the parties have arrived at an amicable settlement of the entire disputes. The memorandum of settlement has been produced before this Court.

3. It is submitted that the monetary part of the settlement has been complied with and what remains is only order on the pending criminal cases and also the application for divorce on mutual consent.

4. Since the parties have settled their disputes amicably, we are of the view that the interest of justice would be met, in case, the whole disputes are also finally settled. Accordingly, RCC No. 2498 of 2011 titled 'State of Maharashtra Vs. Vivek Kumar Varinder Wadhera, Varinder Shorilal Wadhera, Vipon Varinder Wadhera & Vibha Karun Sekhri, RCC No.5144 of 2013 titled ' Aditi Vivek Wadhera Vs. Vivek Kumar Wadhera & Ramesh Grover and Criminal Miscellaneous Application No.1068 of 2011 titled 'Aditi Vivek Wadhera Vs. Vivek Kumar Varinder Wadhera, Varinder Shorilal Wadhera, Vipon Varinder Wadhera & Vibha Karun Sekhri, pending on the file of First Class, Judicial Magistrate, Pune would stand quashed.

5. The following cases will also stand disposed of

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“(i) Criminal Revision No.134 of 2015 titled 'Varinder Shorilal Wadhera & Vipon Varinder Wadhera Vs. State of Maharashtra pending on the file of Sessions Judge,Pune.

(ii) Criminal Revision No. 73 of 2015 titled 'Vivek Varinder Wadhera Vs. State of Maharashtra, pending before the Sessions Judge, Pune.

(iii) Criminal Revision No.51 of 2015 titled 'Vibha Sekhri Vs. State of Maharashtra, pending before the Sessions Judge, Pune.

(iv) Criminal Appeal No.21 of 2012 titled 'Vivek Varinder Wadhera, Varinder Shorilal Wadhera, Vipon Varinder Wadhera & Vibha Karun Sekhri Vs. Aditi Vivek Wadhera & Anr., pending before the Sessions Judge, Pune.”

6. Aditi Vivek Kumar Wadhera, wife and Vivek Kumar Varinder Wadhera-husband are present before the Court. It is submitted that they have lived as husband and wife only for a few days in the year 2010. Both parties have exercised their free will and have taken a conscious decision to part and put an end to all other litigation as well. They have also filed a joint petition for dissolution of marriage by mutual consent under Section 13B of the Hindu Marriage Act before the District Court.

7. Having regard to the background of the several litigations between the parties over a period of five years, background of the parties living separately for more than five years, submission of Mr. Vivek Kumar Varinder Wadhera that he has to go back to his work place in U.S.A and also having regard to the submission of Aditi Vivek Kumar Wadhera that she has now to think of her future, we are of the view That it is a fit case to invoke our jurisdiction under Article 142 of the Constitution of India and grant a decree of divorce by mutual consent by waiving the statutory period of waiting.

8. Therefore, the marriage between Aditi Vivek Kumar Wadhera and Vivek Kumar Wadhera stands dissolved by decree of mutual consent. HMA No. 32/2013 on the file of District & Sessions Court, Panchkula, Haryana shall stand disposed of accordingly.

9. The terms of settlement dated 13.6.2015 will form part of the decree.

10. We make it clear that there shall not be any restraint on the travel of both the parties and their family members on account of criminal cases referred to above, since we have quashed the same.

11. I.A. Nos.3 & 4 of 2016 stand disposed of in the aforesaid terms.