

## IN THE SUPREME COURT OF INDIA

## CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.1444 of 2011

Avinash Prakash

....Petitioner(s)

Vs.

Shweta Agrawal

....Respondent(s)

WITH

Transfer Petition (Crl.) NO. 38 of 2012

## O R D E R

1. Dr. J. N. Dubey, learned senior counsel, appeared for Petitioner and Mr. Jitendra Mohan Sharma, learned counsel, appeared for Respondent No.2.

2. The Petitioner - husband has filed this Petition bearing T.P.(Civil) No.1444 of 2011 under Section 25 of the Code of Civil Procedure, with the prayer for transfer of Petition No. 1031 of 2010 titled as "Shweta Agrawal vs. Dr. Avinash Prakash", from Family Court at Gorakhpur (Uttar Pradesh) to Family Court at Haridwar (Uttrakhand).

3. The Petitioner - husband and Another has also filed another connected Petition bearing T.P.(Crl.) No.38 of 2012 under Section 406 of the Code of Criminal Procedure with the prayer for transfer of Complaint No.603 of 2008

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titled as "Dr. Mahesh Chandra Agrawal vs. Dr. Avinash Prakash & Ors., from Court of Additional Chief Judicial Magistrate-XIV, District Gorakhpur (Uttar Pradesh) to Court of District & Sessions Judge, Haridwar, Uttrakhand.

4. Looking to the controversy involved in the matter, we

had referred the matter to Supreme Court Mediation Centre. Parties had appeared before the said Mediation Centre but it appears that no compromise could be arrived at between the parties and failure Report of the Mediator has been filed.

5. Today, when we tried to explain to learned counsel appearing for the parties to have a relook in the matter and to sort out the differences by an amicable settlement, we were informed that all other disputes have been settled except the amount, required to be paid by husband to wife, is to be fixed. We were also told that husband was ready and willing to pay a sum of Rs.20 lacs to the Respondent/wife but she demanded a sum of Rs.30 lacs.

6. After due deliberations, a consensus has been arrived at between the parties and they have agreed that Petitioner/husband would pay in all a sum of Rs.22 lacs to the Respondent/wife within a period of six months from today. Out of this, a sum of Rs.5 lacs has already been deposited with the Registry of this Court, which the

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Respondent/wife would be at liberty to withdraw. The balance amount of Rs.17 lacs may be paid directly either in cash or by way of a Bank demand draft to the Respondent/wife by the Petitioner/husband.

7. On payment of balance amount as mentioned hereinabove, all the criminal proceedings as well as civil proceedings pending in the courts below between the parties, would stand quashed and the decree of divorce is hereby granted on mutual consent to the parties. We order accordingly. However, that decree shall come into operation only after balance payment has been made by the Petitioner/husband to the Respondent/wife.

8. With the aforesaid directions, these Petitions stand finally disposed of.

.....J  
[Deepak Verma]

.....J  
[Dipak Misra]

New Delhi;  
March 14, 2012.

ITEM NO.5

COURT NO.10

SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
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RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 1444 OF 2011

AVINASH PRAKASH

Petitioner(s)

VERSUS

SHWETA AGRAWAL

Respondent(s)

(With appln(s) for stay and referring matter to Mediation Centre and office report)

WITH T.P.(CRL.) NO.38 of 2012  
(With application for stay)

Date: 14/03/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA  
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Dr. J. N. Dubey, Sr. Adv.  
Mr. Anurag Dubey, Adv.  
Mr. Meenesh Dubey, Adv.  
Ms. Anu Sawhney, Adv.  
Mr. S.R. Setia, Adv.

For Respondent(s) Mr. Jitendra Mohan Sharma, Adv.  
Mr. Ajit Sharma, Adv.  
Mr. Nitin Singh, Adv.

UPON hearing counsel the Court made the following  
O R D E R

These Transfer Petitions stand finally disposed of in terms of the signed order.

(Sanjay Kumar-II)  
Court Master

(S.S.R. Krishna)  
Court Master

[Signed order is placed on the file]