

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 187 OF 2021

MAHIMA SAWLANI

Petitioner(s)

VERSUS

AKASH SAWLANI

Respondent(s)

O R D E R

This transfer petition has been filed seeking the following relief:

"allow the instant transfer petition for seeking Transfer of divorce Petition filed by the Respondent (Husband) bearing H.M.A. No. 1002 of 2019 titled as "Akash Sawlani Vs. Smt. Mahima Sawlani" under Section 13(ia)(ib)(ic) of the Hindu Marriage Act, pending before the Court of Principal Judge, Family Court, Jabalpur, Madhya Pradesh to the Family Court, Nagpur, Maharashtra"

During the pendency of the matter, the parties have arrived at a settlement by Memorandum of Understanding (Deed of Settlement) on 08.06.2022. An application has been filed on behalf of the respondent along with a copy of the Deed of Settlement/ Memorandum of Understanding.

Learned counsel for the respective parties submit that the transfer petition could be disposed of in terms of the settlement arrived at between the parties. They further submit that the parties have agreed to seek dissolution of their marriage by a decree of divorce by mutual consent; that a sum of Rs.15 lakhs has been paid by the respondent to the petitioner(wife). Further, the only child of the parties, who is a baby boy by name Arijit, aged four years,

would remain in custody of the petitioner(wife). Learned counsel for the respective parties submit that the transfer petition may be disposed of having regard to the settlement arrived at between the parties and by exercising power under Article 142 of the Constitution.

We have perused the Deed of Settlement arrived at between the parties and have considered the submissions made by the learned counsel. In the circumstances, we have every reason to accept the Deed of Settlement arrived at between the parties as we find that the terms of settlement are lawful. The Deed of Settlement arrived at between the parties shall form part and parcel of this order.

In these circumstances, in exercise of our power under Article 142 of the Constitution, we declare, the marriage between the parties is dissolved by a decree of divorce by mutual consent and all the terms and conditions of the settlement shall be complied with by the parties.

Registry to draw up a decree in the aforesaid terms.

Consequently, the transfer petition is rendered infructuous and is disposed of in the aforesaid terms.

....., J.  
[ K.M. JOSEPH ]

....., J.  
[ B.V. NAGARATHNA ]

New Delhi;  
December 13, 2022.

ITEM NO.7

COURT NO.4

SECTION XVI-A

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

Transfer Petition(s)(Civil) No. 187/2021

MAHIMA SAWLANI

Petitioner(s)

**VERSUS**

AKASH SAWLANI

Respondent(s)

(With IA No. 119854/2022 - FORMAL DISPOSAL and IA No. 15648/2021 - STAY APPLICATION)

Date : 13-12-2022 This matter was called on for hearing today.

**CORAM :**

HON'BLE MR. JUSTICE K.M. JOSEPH  
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Aaditya A. Pande, Adv.  
Mr. Chander Shekhar Ashri, AOR

For Respondent(s) Ms. Alpana Sharma, Adv.  
Mr. Raj Shekhar Sharma, Adv.  
Ms. Manju Jetley, AOR

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

Transfer petition is disposed of in terms of the signed order.

Pending application stands disposed of.

(NIDHI AHUJA)  
AR-cum-PS

(RENU KAPOOR)  
ASSISTANT REGISTRAR

[Signed order is placed on the file.]