

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****TRANSFER PETITION(CIVIL) NO. 2309/2023****CH INDIRA****PETITIONER(S)****VERSUS****B. BABJI****RESPONDENT(S)****WITH****TRANSFER PETITION(CRIMINAL) NO. 659/2023****O R D E R**

1. The captioned transfer petitions have been filed seeking transfer of Matrimonial Suit No.1106 of 2021, titled as "Shri B.Babji Vs. Smt.C.H.Indira" pending before the 5th Additional District and Sessions Judge at Paschim Medinipur, West Bengal and MR Case No. 55 of 2022, pending before the Ld. Judicial Magistrate, Kharagpur, West Bengal to the Jurisdictional Court at the East Godavari District Court in the State of Andhra Pradesh.

2. As the submissions made by the learned counsel appearing on both sides revealed that the parties were desirous of settling the matter amicably, the parties were permitted, rather, relegated to settle the matter through mediation and it has fructified.

3. After mediation, now a settlement agreement dated 20.02.2024 has been filed and the same is taken on record.

4. Heard learned counsel appearing for the parties. We have also interacted with the parties virtually. The parties would endorse the submission made on their behalf by their respective counsel that disputes between them have been settled in the light of the terms and conditions specified in the Settlement Agreement dated 20.02.2024.

5. Paragraph 4(c) of the Settlement Agreement would reveal that the gold chain which is in the possession of the Husband, is required to be handed over to the Wife. The learned counsel for the petitioner-wife would submit that in terms of the Settlement Agreement, it was handed over. Admittedly, the amount payable in terms of the Settlement Agreement, which is Rs.2,00,000/- (Rupees Two Lakhs Only), by the respondent-husband to the petitioner-wife has also been paid.

6. In terms of the Settlement Agreement, the MR Case No. 55/2022 dated 03.11.2022 filed by the petitioner-wife for maintenance stands closed. FIR No.286/2023 filed by the petitioner-wife under Section 498-A of the IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961 before the Peddapuram Police Station, Kakinada and Misc1. Petition No. 24/2023 dated 29.04.2023 filed by the mother of the respondent-husband under

Section 156(3) of the Cr.PC. before the Court of Ld. Additional Chief Judicial Magistrate, Kharagpur, Paschim Midnapore, are quashed and set aside, in terms of the conditions in the settlement agreement.

7. The parties have also moved an application being I.A. No. 62860/2024 under Article 142 of the Constitution of India for dissolution of their marriage by mutual consent.

8. The marriage between the parties was solemnised on 23.10.2020 and the parties are residing separately since January, 2021.

9. After hearing learned counsel for the parties and interacting (virtually) with the parties and going through the materials on record, we are satisfied that there is no coercion and the parties themselves have decided to apply for dissolution of marriage by mutual consent.

10. In such circumstances, the marriage solemnised between the petitioner and the respondent on 23.10.2020 is dissolved by mutual consent. The parties, hereafter, shall be governed by the terms and conditions specified in the Settlement Agreement dated 20.02.2024.

11. In terms of the same, the Matrimonial Suit No.1106 of 2021 dated 25.11.2021 filed by the respondent-husband has become infructuous. Consequently, the same is disposed of as

having become infructuous.

12. Let the Settlement Agreement dated 20.02.2024 form part of this order.

13. The Registry shall draw a decree of divorce in terms of this order and the Settlement Agreement. Copy of this order shall be forwarded to the concerned courts for updating their records.

14. The petitions stand disposed of with the above terms.

15. Pending application(s), if any, shall stand disposed of.

....., J.
(C.T. RAVIKUMAR)

....., J.
(RAJESH BINDAL)

NEW DELHI;
APRIL 09, 2024

ITEM NO.3

COURT NO.13

SECTION XVI

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(s). 2309/2023

CH INDIRA

PETITIONER(S)

VERSUS

B. BABJI

RESPONDENT(S)

IA No. 180711/2023 - STAY APPLICATION)

WITH

T.P.(Cr1.) No. 659/2023 (II-B)

IA No. 180813/2023 - STAY APPLICATION)

Date : 09-04-2024 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE C.T. RAVIKUMAR
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Ms. Madiya Mushtaq Nadroo, Adv.
 Ms. Ameerunnisa Sayed, Adv.
 Mr. Pranjal Kishore, AOR

For Respondent(s) Ms. Nidhi Khanna, AOR
 Ms. Aandrita Deb, Adv.

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

The Transfer Petitions stand disposed of in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(VARSHA MENDIRATTA)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(Signed order is placed on the file)