

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1791/2015

DILIP AGARWAL

Petitioner(s)

VERSUS

EKANKI VISHNOI

Respondent(s)

O R D E R

Heard learned counsel for the parties.

Through this Transfer Petition, attempts were made for settling the disputes between the parties amicably which have succeeded and the parties have settled the matter between themselves.

The petitioner-husband and the respondent-wife are present in the Court today and agree to the following:

The *Stridhan* in the form of jewellery belonging to the respondent-wife is handed over to her in the Court today. The respondent-wife acknowledges the receipt thereof. Likewise, some jewellery items which were given by the petitioner-husband to the respondent-wife at the time of marriage and were with the respondent-wife, have been given back to the petitioner-husband in the Court today. The petitioner-husband acknowledges the receipt thereof.

The parties had filed divorce petitions against each other. The respondent-wife has filed divorce petition under Section 13 of the Hindu Marriage Act (hereinafter the Act)

before the Family Court, Jaipur being HMA case No.398/2015. Likewise, the petitioner-husband has also filed the divorce petition under Section 13 of the Act being Divorce Case No.572/2015 before the Family Court, Karkardooma Courts, Delhi. Both the parties request that the present Transfer Petition be treated as a petition for divorce by mutual consent under Section 13 (1-A) of the Act.

As both the parties are ready to give consent and since this petition is pending for more than a year, in the peculiar circumstances of the case, we dispense with the requirement of first motion and with the consent of the parties, grant the decree of divorce by mutual consent.

We are informed that some proceedings under the Domestic Violence Act are pending and some FIRs have been lodged.

FIR No.650/2009 was filed by Poonam Agrawal, sister-in-law of the petitioner-husband with Police Station, Mandawali Fazalpur, Delhi. She is present in the Court today and states that she has no objection if the said proceedings are quashed by this Court. It is ordered accordingly.

The respondent-wife has also filed the following three cases:

- 1) Case No.45/2015 under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending in the Court of ACJM, Jaipur;
- 2) Case under Section 498A of the Indian Penal Code and the proceedings being case No.1257/2016 arising

thereof are pending in the Court of Civil Judge, Bijnor, Uttar Pradesh;

3) FIR No.180/2015 filed under Section 498A, IPC in Mahila Thana, Jaipur.

We are also informed that a closure report has been filed by the Police in Police Station Mahila thana in FIR No.180/2015 filed under Section 498A, IPC vide Final Report No.83/2016. The respondent-wife would accept the said closure report thereby permitting the concerned Court to close the proceedings.

The respondent-wife has agreed to withdraw the proceedings under the Protection of Women from Domestic Violence Act and she has no objection if the above proceedings arising out of the FIRs under Section 498A, IPC are quashed. It is ordered accordingly.

The petitioner-husband has also filed the following cases/complaints:

1) Complaint being DD No.75B dated 01.09.2009 in Police Station Mandawali, Fazalpur, Delhi against the respondent-wife and her brother.

2) Complaint being DD No.58/2009 dated 24.05.2009 in Police Station Mandawali, Fazalpur, Delhi against respondent-wife, her mother and her brother.

3) Complaint being DD No.17A/2010 dated 07.08.2010 in Police Station Madhu Vihar, Patparganj, Delhi.

The petitioner-husband has no objection if the above complaints are closed. Ordered accordingly.

The petitioner-husband has agreed to pay a sum of Rs.7.5 lakhs to the respondent-wife in full and final settlement, including permanent alimony, maintenance etc. This amount is agreeable to the respondent-wife as well. It is agreed that on receipt of this amount, no claim of any nature whatsoever would remain pending against the petitioner-husband by the respondent-wife and vice versa.

A sum of Rs.3 lakhs is already deposited in the Court. The same shall be released in favour of the respondent-wife by way of demand draft. The balance amount of Rs.4.5 lakhs shall be paid in three installments of Rs.1.50 lakhs each starting from March, 2017, by way of demand draft to the respondent-wife who resides in Jaipur. The first installment shall be paid on or before 7th March, 2017; the second installment on or before 7th April, 2017 and the third and final installment shall be paid on or before 7th May, 2017.

The Transfer Petition stands disposed of in the aforesaid terms.

.....J.
[A.K. SIKRI]

.....J.
[R.K. AGRAWAL]

NEW DELHI;
FEBRUARY 10, 2017.

ITEM NO.53

COURT NO.8

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(Civil) No.1791/2015

DILIP AGARWAL

Petitioner(s)

VERSUS

EKANKI VISHNOI

Respondent(s)

(with appln. (s) for exemption from filing O.T. and permission to
file additional documents and stay and office report)
(For final disposal)

Date : 10/02/2017 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.K. SIKRI

HON'BLE MR. JUSTICE R.K. AGRAWAL

For Petitioner(s) Mr. S. K. Bhattacharya, Adv.

For Respondent(s) Mr. Ajay Marwah, Adv.

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

The Transfer Petition is disposed of in terms of the signed
order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)

(MALA KUMARI SHARMA)

COURT MASTER

COURT MASTER

(The signed order is placed on the file)