

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Transfer Petition (Civil) No 2778 of 2023

Bharti Sahu

... Petitioner

Versus

Ritu Mittal

... Respondent

W I T H

Transfer Petition (Civil) No 2777 of 2023

Transfer Petition (Civil) No 2788 of 2023

Transfer Petition (Criminal) No 888 of 2023

Contempt Petition (Civil) No 25 of 2024 In T.P.(C) No.2777 of 2023

Contempt Petition (Civil) No 26 of 2024 In T.P.(C) No.2788 of 2023

ORDER

- 1 During the pendency of these transfer petitions preferred by the petitioner-wife, the parties were sent for mediation and the same having been successful, they have preferred a joint application under Article 142 of the Constitution of India read with Section 11 and Section 5(i) of the Hindu Marriage Act 1955 seeking declaration of marriage of the applicant No 1 and

applicant No 2 in the application as null and void along with other reliefs in view of the settlement agreement dated 22 April 2024.

- 2 The settlement agreement recorded before the Supreme Court Mediation Centre is annexed with the joint application. The parties have agreed to settle their *inter se* disputes and the same has been set out in paragraph 10 of the application as also in the settlement agreement. The same is reproduced herein for ready reference:

“10. Under the aforesaid mutual settlement dated 22.04.2024 entered into during the pendency of the above-captioned Transfer Petitions, the parties have agreed to *inter alia*/mainly the following terms:

- I. That the parties have agreed that the Petitioner-wife will transfer to the respondent/applicant No.3 namely Ritu Mittal (Sister-in-law) a total sum of Rs.22,00,000/- (Rupees Twenty-Two lacs only) in the account No 3632000100106082, Punjab National Bank Branch Somajiguda, Hyderabad, Telangana, bearing IFSC Code PUNB0363200, towards full and final settlement of all the claims of parties/relatives to the present dispute herein.
- II. That the account No.916010067268790, Axis bank, Krishna Nagar, Shahdara, Delhi has been freezed by the order of the Ld.III Addl. C.M.M., City Criminal Court, Hyderabad City, Telangana, the parties here have agreed to get the said account defreezed by this Hon'ble Court.
- III. That both the parties have agreed that after transferring the aforesaid amount of Rs.22,00,000/- (Rupees Twenty-Two lacs only) the remaining amount whatsoever in the said account number 916010067268790, Axis Bank, Krishna Nagar, Shahdara, Delhi shall be kept by the petitioner/wife/applicant No.1 as damages/alimony.
- IV. That all the parties have agreed to cooperate to change the login credentials of details in the Income Tax Department for filing the ITRs of the

Petitioner/Wife/applicant No.1.

- V. It is agreed between the parties that they will move an application jointly before this Hon'ble Court under Article 142 of the Constitution of India for invoking inherent powers of the Hon'ble Court praying for seeking nullity of marriage by mutual consent as considering that the present marriage between the applicant No.1 and 2 is *void-ipse-jure* in light of the subsistence of the first marriage of the respondent/husband/applicant, namely, Karan Lohia and both are staying separately since 09.09.2017.
- VI. It is further agreed between the parties that if Hon'ble Supreme Court is pleased to allow application filed by both the parties under Article 142 of the Constitution of India then both the parties shall request to withdraw/quash all the matters filed by them against each other.
- VII. That the petitioner and the respondent have agreed that none of them will initiate any other legal action or complaint against each other or against the family members of each other in respect of their matrimonial, civil and criminal dispute in future.
- VIII. That subject to the aforesaid terms, the parties have resolved all the disputes amicably in relation to the marriage and have been left with no claims against each other or their respective family members.
- IX. That by signing this agreement the parties hereto solemnly state and affirm that they have no further claims or demands against each other including maintenance or any movable or immovable property and all the disputes and differences have been amicably settled by the parties hereto through the process of mediation.
- X. The parties undertake to abide by the terms and conditions set out in the above-mentioned settlement agreement, which have been arrived with will of the parties without any coercion, duress or collusion and parties undertake not to raise any disputes whatsoever henceforth."

- 3 In view of the settlement between the parties, the marriage solemnized between the applicant Nos 1 and 2 in the application on 18 June 2017, is declared null and void by mutual consent under Section 11 read with Section 5(i) of the Hindu Marriage Act 1955. The cases pending between the parties as mentioned in prayer clause No (c) shall stand quashed. The other reliefs in the application are also allowed in terms of the prayer made therein.
- 4 IA No 130827 of 2024, a joint application under Article 142 of the Constitution, is disposed of in the above stated terms. Consequently, the transfer petitions and the contempt petitions also stand disposed of.
- 5 Pending applications, if any, stand disposed of.

.....J.
[Prashant Kumar Mishra]

.....J.
[Prasanna Bhalachandra Varale]

New Delhi;
June 11, 2024
CKB

ITEM NO.1

COURT NO.14

SECTION XII-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 (Civil) No.2778/2023

BHARTI SAHU

Petitioner(s)

VERSUS

RITU MITTAL

Respondent(s)

(With IA No.213640/2023 - EX-PARTE STAY)

WITH T.P.(C) No.2777/2023 (XII-A)

(With IA No. 213611/2023 - EX-PARTE STAY)

T.P.(C) No.2788/2023 (XII-A)

(With IA No.214239/2023 - EX-PARTE STAY)

T.P.(Crl.) No.888/2023 (II)

(With IA No.236026/2023 - EX-PARTE STAY and IA No.236027/2023 - EXEMPTION FROM FILING O.T.)

CONMT.PET.(C) No.25/2024 In T.P.(C) No.2777/2023 (XII-A)

CONMT.PET.(C) No.26/2024 In T.P.(C) No.2788/2023 (XII-A)

Date : 11-06-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA
HON'BLE MR. JUSTICE PRASANNA BHALACHANDRA VARALE
(VACATION BENCH)

For Petitioner(s)

Mr. Nishant Nain, Adv.
Mr. Deepak Sharma, Adv.
Ms. Charu Sharma, Adv.
Mr. Deepak Kumar, Adv.
Mr. Dushyant Chaudhary, Adv.
Mr. Prashant Krishan, Adv.
Mr. Sudhir Mendiratta, AOR
Mr. Ajay Jaglan, Adv.

**For Respondent(s) Mr. Vamsikrishna Thota, Adv.
 Mr. Kedar Nath Tripathy, AOR**

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

- 1 The Transfer Petitions, the Contempt Petitions and IA No 130827 of 2024 are disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)
A.R. -cum-P.S.**

**(POONAM VAID)
Court Master**

(Signed order is placed on the file)