

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(s). 42 OF 2004

REKHA SUSHIL KEDIA

Petitioner(s)

VERSUS

SUSHIL KUMAR KEDIA

Respondent(s)

(With appln(s) for compromise and stay)

Date: 01/08/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE Y.K. SABHARWAL

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. Sanjay Jain,Adv.

For Respondent(s)

Mr. Sunil Roy,Adv.

For Intervenor:

Mr. S.B. Sanyal, Sr.Adv.

Mr. Syed Ali Ahmad, Adv.

Mr. Syed Tanweer Ahmad, Adv.

Mr. S.S. Bandyopadhyay, Adv.

Mr. Tanweer Akhter, Adv.

Mr. Mohan Pandey, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is disposed of, in terms of the signed order.

(N. Annapurna)

(V.P. Tyagi)

Court Master
Master

Court

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.42 OF 2004

Rekha Sushil Kedia

...Petitioner(s)

Versus

Sushil Kumar Kedia

...Respondent(s)

O R D E R

The transfer petition was filed by the wife seeking transfer of M.J. Petition

No.1225 of 2003, entitled Mr. Sushil Kumar Kedia Vs. Mrs. Rekha Sushil Kedia, from the

Family Court at Bandra, Mumbai to the Family Court at Bokaro, Jharkhand.
On 27th

November, 2004, a joint application (I.A.No.2) was filed on behalf of both the wife and

husband placing on record the settlement of disputes between them.

Both the wife and husband are present in court. The petitioner, Rekha, states

that for the last about more than six months she is living happily in her family home with

her husband and two daughters at Mumbai. It is stated that the said two daughters are

studying in a school at Mumbai. Further, according to Rekha, the main cause of the cases

against her husband is her father and brothers. The father is represented by

Mr.S.B.Sanyal, learned senior counsel. He objects to the recording of settlement between his

daughter and son-in-law though it is not disputed on his behalf that his daughter and two

grand-daughters for the last about six months are living in Mumbai. If the husband and

wife along with their children are living happily in their family home and have resolved

their disputes, we need not go into the correctness or otherwise of what has been stated by

Rekha as to who has engineered the cases against her husband but, at the same time, we see

no reason as to why we should not accept the settlement entered into between the wife and

husband. If the father has any independent right, it is for him to pursue the same in

accordance with law.

Under these circumstances, we dispose of the transfer petition in terms of

settlement dated 27th November, 2004 which is also accompanied with the affidavit of the

wife and husband. The various litigations between the parties mentioned in the application

are also disposed of in terms of the settlement, as stated in the joint application.

If the passports of the two children are with their grand-father, i.e. father of

Rekha, the same shall be handed over to Rekha by him within a period of two weeks.

.....J.

(Y.K. SABHARWAL)

.....J

(G.P. MATHUR)

New Delhi,

August 01, 2005.