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T.P.(C) No. 165 OF 2001
ITEM No.35

Court No.10

SECTION XVIA
A/N MATTER

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.165/2001

LAXMI Petitioner (s)

VERSUS

MANOJ KUMAR MAHESHWARI Respondent (s)

(With Appln(s). for stay)

Date : 11/11/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE RUMA PAL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)

Mr. Jitendra Mohan Sharma,Adv.
Mr. Akhilesh Baijal,adv.
Mr. Sandeep Singh,adv.

For Respondent (s)

Mr. M.C. Dhingra,Adv.

Mr. Prashant Chaudhary,adv.
Mr. Pramod Swarup,Adv.

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

.....L.....I.....T.....T.....T.....T.....T.J
.SP2

T.P. is disposed of.

.SP1

(Suman Wadhwa)
Court Master

(S. Malkani)
Court Master

Signed order is placed on the file.

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.PL55

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) No. 165 OF 2001@@
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Laxmi

...Petitioner

Vs.

Manoj Kumar Maheshwari

...Respondent

ORDER@@
CCCCC

.....L.....I.....T.....T.....T.....T.....T.....T.....T.J
.SP2

This transfer petition filed by the petitioner wife, is in respect of an application filed by the respondent husband under Sec. 13 of the Hindu Marriage Act, 1956 before the Court of the IX Additional District Judge at Indore. After the matter came up before this Court the parties effected a compromise on 17th September, 2001 whereunder the respondent husband agreed to pay and in fact paid a sum of Rs.8,00,000/- (Rupees eight lakhs) to the petitioner in full and final settlement of all her claims, present and future, including on account of maintenance of the child, against the respondent. As far as the application filed by the petitioner against the respondent under the Criminal Procedure Code was concerned, the petitioner agreed not to proceed with the same. This has also been complied with by the petitioner. Clause 7 of the compromise records that both the parties have agreed and

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in fact made a prayer to this Court for a decree of divorce on mutual consent. The memorandum of settlement is taken on the record of this Court and the counsel appearing on behalf of the clients undertake to abide by the same.

We transfer the petition filed by the respondent under section 13 of the Hindu Marriage Act from the Court at Indore to ourselves and pass a decree in terms of Sec.13-B(2) of the Hindu Marriage Act treating the memorandum of settlement as an application under that Section. As more than six months have passed since the filing of the memorandum of settlement before this Court, the decree is made absolute as prayed for.

The Transferred Petition is disposed of accordingly.

.SP1

.....J.
(Ruma Pal)

New Delhi;
November 11,2002.

.....J.
(B.N.Srikrishna)