

ITEM NO.2

COURT NO.2

SECTION II

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

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 3509/2012

(Arising out of impugned final judgment and order dated 13/12/2011 in CRLRP No. 557/2011 and order dated 28/03/2012 in CRLRP No. 557/2011 passed by the High Court Of Delhi At New Delhi)

AMIT BHANDARI

Petitioner(s)

VERSUS

DEEKSHA BHANDARI

Respondent(s)

(With appln. (s) for permission to appear and argue in person, stay, modification of court's order and office report)

(for final disposal)

WITH

SLP (Cr1) Nos. 1416-1417/2013

(With exemption from filing c/c of the impugned judgment and exemption from filing O.T. and ex-parte stay and permission to appear and argue in person and permission to file additional documents and Office Report)

Date : 12/02/2015

These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE T.S. THAKUR
HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Petitioner(s)

Mr. Jayant K. Mehta, Adv. (A.C.)

Mr. Amit Bhandari
Petitioner-in-person

Signature Not Verified

For Respondent(s)

Digitally signed by

Mrs. Geeta Luthra, Sr. Adv.

Ramana Venkata Ganti

Date: 2015.02.12

18:22:57 IST

Mr. Pramod Kumar Dubey, Adv.
Mrs. Priya Puri, Adv.

Reason:

Mr. Shiv Chopra, Adv.
Mr. Aditya Alok, Adv.

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

Application for permission to appear and argue in-person is

allowed.

The petitioner is present in-person and so is the respondent-wife along with Mrs. Geeta Luthra, learned senior counsel appearing for her.

Mrs. Luthra points out that the parties have once again reconciled to the idea of filing a joint petition under Section 13-B of the Hindu Marriage Act, 1955 for divorce by mutual consent in the Family Court at Rohini. The petitioner submits that he has

gone through the contents of the joint petition drafted by the counsel for the respondent-wife and that he has no objection to signing the same and subscribing to the averments made therein. He further submits that he will, in order to expedite the process of filing of the joint petition, appear before the Family Court tomorrow at 2.00 P.M. for the First Motion.

He submits that his only apprehension is that even when the joint petition for divorce by mutual consent is filed and the First Motion gone through, the respondent-wife may not withdraw all her claims towards maintenance and other proceedings she has instituted as is otherwise agreed to between the parties.

Mrs. Luthra, in reply, submits that there is no basis for the apprehension expressed by the petitioner-husband.

She submits on instructions of the respondent that upon completion of the Second Motion and the grant of decree for divorce with mutual consent, all the claims for payment of maintenance and other reliefs whatsoever which the respondent-wife may have already instituted or may be legally entitled to institute shall stand withdrawn and satisfied. Mrs. Luthra further submits that the respondent shall abide by his undertaking and that the grant of a decree of divorce by mutual consent shall not absolve her from the obligation of withdrawing such claims.

In that view, therefore, we see no reason why the petitioner-husband should continue harbouring any apprehensions about the bona fides of the respondent-wife. All the same, we make it clear that no sooner the competent Court at Rohini passes

a decree for dissolution of marriage between the parties by mutual consent pursuant to the joint petition which they propose to file, all the claims which the respondent-wife may have against the husband towards maintenance or for any other relief whatsoever shall stand unconditionally withdrawn by her. We also make it clear that in order to give quietus to the controversy between the parties, all proceedings, including civil and criminal which the petitioner-husband may have instituted against the respondent-wife or her family members, shall also with the passing of the decree for divorce by mutual consent stand quashed qua the respondent-wife and all her family members. This would not, however, prevent the petitioner-husband from pursuing any remedy against the State of Maharashtra and the State of NCT of Delhi or its officers, should any such remedy otherwise be legally permissible against the said parties.

The petitioner and respondent-wife further agree that, with the grant of divorce by mutual consent by the competent Court and withdrawal of all the pending cases against each other, the parties shall be free to contract a marriage, if so advised, but shall have no claim whatsoever, civil or criminal against each other for the future.

We had requested Mr. Jayant K. Mehta, learned counsel to assist us in the matter and he has ably done so. We place on record our appreciation and gratitude for the same. These special leave petitions shall stand adjourned.

To be posted on Tuesday, the 17th February, 2015 only for reporting further developments.

We make it clear that in case a joint petition is filed, the petitioner husband need not appear in this Court in-person on 17 th February, 2015.

(R.NATARAJAN)
Court Master

(VEENA KHERA)
Court Master