

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). 225 OF 2004

AMBIKA Petitioner(s)

VERSUS

SAMIR SIKRI Respondent(s)

(With appln(s) for stay, to take on record Memorandum of settlement, quashing the petition u/s. 125

Cr.P.C., for decreeing the suit in favour of plaintiff, for treating the petition for restitution of conjugal

rights, for quashing the criminal case registered on the basis of FIR No. 116 of 2004 and for quashing the

case u/s. 182 Cr.P.C. and office report)

WITH

T.P.(CRL) NO. 374 of 2005

(With application for ex-parte stay, exemption from filing O.T., to take on record Memorandum of

settlement, quashing the petition u/s. 125 Cr.P.C., decreeing the suit in favour of plaintiff, for treating

the petition for restitution of conjugal rights, quashing the criminal case registered on the basis of FIR

No. 116 of 2004 and for quashing the case u/s. 182 Cr.P.C. and office report)

WITH

T.P.(CRL.) NO.524/2005

(with application for stay, to take on record Memorandum of settlement, quashing the petition u/s. 125

Cr.P.C., decreeing the suit in favour of plaintiff, for treating the petition for restitution of conjugal

rights, quashing the criminal case registered on the basis of FIR No. 116 of 2004 and for quashing the

case u/s. 182 Cr.P.C. and office report)

Date: 13/02/2006 These Petitions were called on for hearing today.

WITH

T.P.(CRL.) NOS.374/2005 AND 524/2005

O R D E R

Petitioner-wife (for short 'the petitioner') has moved this petition under Section 25 of the Code of Civil Procedure seeking transfer of HMA Case No. 29/2003 titled Samir Sikri vs. Ambika filed by the husband-respondent under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') from Ludhiana to Jaipur. Similarly, respondent-husband (for short 'the respondent') has also filed Transfer Petition(Crl.) Nos. 374 of 2005 and 524 of 2005 seeking transfer of the criminal proceedings instituted by the wife from Jaipur (Rajasthan) to Ludhiana(Punjab).

During the pendency of the Transfer Petitions, the parties have entered into a settlement to dissolve the marriage and to put an end to all civil and criminal proceedings pending in various courts in terms of the settlement arrived at between the parties and they have filed the said settlement along with certain applications with a prayer that the settlement

may be taken on record. In I.A. No.5 of 2005, it is also prayed that the petition under Section 9 of the Act may be treated as a divorce petition under Section 13(b) of the Act. It is pertinent to mention here that parties have not filed any divorce petition under Section 13(i)(b) of the Act. The said settlement is taken on record.

Without expressing any opinion on the merits of the dispute, we direct the parties to approach the respective courts where the proceedings are pending for appropriate relief. The parties, if so advised, may move an application for dissolution of marriage under Section 13(i)(b) of the Act for mutual divorce. If such an application is filed, the concerned Court shall pass appropriate order in accordance with law taking into consideration the settlement arrived at between the parties.

The Transfer Petitions are disposed of in the above terms.

.....J.

[Ashok Bhan]

New Delhi;

.....J

February 13, 2006

[Tarun Chatterjee]