

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 (Civil) No(s).8946/2012

(From the judgement and order dated 20/01/2012 in FA No.2557/2008 of The HIGH COURT OF GUJARAT AT AHMEDABAD)

ANAR S MEHTA

Petitioner(s)

VERSUS

SANJAY A MEHTA

Respondent(s)

(With appln(s) for directions and office report )  
(for final disposal)

Date: 17/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. R.S. Suri, Sr.Adv.  
Mr. Dipan S. Desai, Adv.  
Mrs. Pallavi Tayal Chadda, Adv.  
Mr. Chanchal Kumar Ganguli, Adv.

For Respondent(s)

Mr. R.P. Bhatt, Sr.Adv.  
Mr. Unmesh D. Shukla, Adv.  
Mr. Gaurav Goel, Adv.  
Mr. Mahesh Agarwal, adv.  
Mr. Rishi Agrawala, Adv.  
Mr. E.C. Agrawala, Adv.  
Ms. Manashi Kumar, Adv.

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

Heard learned counsel for the parties.

In our order dated 24th April, 2012 this Court has recorded the following settlement between the parties :-

"It is appropriate to reproduce the relevant terms and conditions agreed to between the parties so that

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fought tooth and nail by them:

1. Respondent-husband has agreed that he will purchase a decent flat in decent locality admeasuring not less than 1500 sq.fts. i.e. about three bedroom apartment in Ahmedabad for petitioner-wife. This would be done by or before 30th of July, 2012.  
The petitioner would be at liberty to suggest the respondent with regard to availability of flat in a decent locality at Ahmedabad, which the respondent would also take into consideration. However, this exercise should be completed in a peaceful and congenial manner.
2. Respondent-husband has agreed to pay initially a sum of Rs.10 lakhs in the joint names of petitioner and her son Nishant by or before 15th of May, 2012. The balance amount of Rs.40 lakhs would be paid exclusively to petitioner - Anar Mehta in two equal installments of Rs.20 lakhs each, by or before 15th of each succeeding month.  
The sum of Rs.10 lakhs would be deposited in a Nationalised Bank in Fixed Deposit, so that it

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would earn interest, initially for a period of three years.

The balance amount of Rs.40 lakhs, as and when received fully, would also be deposited by petitioner-Anar Mehta in her individual name in a Nationalised Bank in Fixed Deposit for a period of three years, but with a condition that interest accrued thereon would be transferred to her Bank Account every month.

3. All criminal cases pending between the parties including the one filed by petitioner-wife against husband and other relatives under Section 498A, I.P.C., would stand quashed.

In the light of aforesaid, no dispute survives between them and they have promised that in future also they will not raise any dispute with regard to aforesaid matrimonial matter.

We would like to clarify here that all the aforesaid terms and conditions have to be complied with in letter and spirit by the respondent-husband within the time stipulated therein, then and only then the criminal case would stand quashed, against husband and his relatives. We hereby confirm the decree of divorce granted by the High Court of Gujarat at Ahmedabad and dispose of the special leave petition.

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Respondent is, however, directed to furnish an undertaking in the light of aforesaid terms and conditions within two weeks.

The affidavit dated 24.4.2012 filed by the respondent shall form part of this order."

Subsequently, on numerous occasions, the Court, with the assistance of the learned senior counsel for both the parties attempted to locate a suitable flat for the wife. Unfortunately, the flats offered by the respondent were not accepted by the petitioner. Similarly, the options given by the petitioner-wife were not accepted by the husband. Today, however, again on a joint effort made by the Court and learned senior counsel for the parties, parties have been persuaded to accept the terms and conditions of the settlement as recorded in the order dated 24.4.2012 with the modification that the respondent-husband will pay a further sum of Rs.80 lacs (Rupees eighty

lacs only), in addition to what has already been paid pursuant to the order dated 24.4.2012 in lieu of the provision of a suitable flat which had been directed earlier. The payment shall be in full and final settlement of each and every claim made by the wife against the husband. Instead of leaving the parties with any future uncertainty, we quash the proceedings in F.I.R. No. CR No. 12 of 2006 pending at Mahila P.S., Ahmedabad,

...5/-

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City-I and Criminal Case No. 13 of 2007 pending before M.M., Court No. 11, Ahmedabad.

Mr. R.P. Bhatt, learned senior counsel appearing for the respondent made a prayer that some time may be granted for making the payment of Rs.80 lacs.

Keeping in view the peculiar facts and circumstances of the case, we grant three months' time from today to the respondent-husband to make the payment to the petitioner-wife.

With the above observations, the special leave petition is disposed of.

(Sukhbir Paul Kaur)

Court Master

(Indu Bala Kapur)

Court Master