

ITEM NO.5

COURT NO.9

SECTION IX

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 rhe HIGH COURT OF GUJARAT AT AHMEDABAD)

ANAR S MEHTA

Petitioner(s)

VERSUS

SANJAY A MEHTA

Respondent(s)

(With prayer for interim relief)
(With Mediation Report)

Date: 24/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. R.S. Suri, Sr.Adv.
 Ms. Suruchi Suri, Adv.
 Ms. Neha Gaur, Adv.
 Ms. Pallavi Tayal, Adv.
 Mr. Chanchal Kumar Ganguli,A.O.R.

For Respondent(s) Mr. R.P. Bhat, Sr. Adv.
 Mr. Unmesh Shukla, Adv.
 Mr. Gaurav Goel, Adv.
 Mr. Mahesh Agrwala, Adv.
 Mr. Rishi Agrawala, Adv.
 Mr. E.C. Agrawala,A.O.R.
 Mr. Neha Agarwal, Adv.

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

On the first date, when the matter came up
for hearing before this Court, after going through the
2

entire record and after hearing learned counsel for the
parties, we thought it fit and appropriate that the
matter should be referred to the Supreme Court
Mediation Centre so as to explore the possibility of an
amicable settlement.

As directed by this Court, parties had
appeared before the Mediator. But, despite the best
efforts made by the Mediator, settlement could not be

arrived at. The failure report is on record.

Thereafter, we ourselves made an attempt in this regard and tried to persuade both the parties that it is desirable that they should buy peace, even if one party gets less or one party is required to pay more. We are extremely happy to learn that with the kind cooperation of learned senior counsel appearing for both sides, a good sense has ultimately prevailed on them and they have settled all their differences. An affidavit duly notarised and signed by respondent-husband has been filed. The petitioner - Anar S. Mehta, who is also present in Court, has accepted all the terms and conditions as have been mentioned by the husband-respondent in the said Affidavit.

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

3

that there may not be any future dispute on the issues, which have been 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 15 th

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 15 th of each succeeding month.

The sum of Rs.10 lakhs would be deposited in a

4

Nationalised Bank in Fixed Deposit, so that it 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

5

dispose of the special leave petition.

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.

(A.D. Sharma)
Court Master

(Indu Satija)
Court Master