

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 417 OF 2012

SHRUTI SINGH KOTHIYAL

PETITIONER(s)

VERSUS

SHIVENDRA SINGH

RESPONDENT(s)

O R D E R

Vide order dated September 21, 2012, the matter was referred to the Supreme Court Mediation Centre.

2. The parties appeared before Mr. J.M. Sharma, Mediator nominated by the Supreme Court Mediation Centre and as per the report dated January 14, 2013 sent by the Co-ordinator, the parties have been able to resolve their disputes amicably. We appreciate the efforts of the Mediator.

3. The relevant clauses of the settlement between the parties read as under:

"8. Both the parties herein undertake to withdraw/dispose off all the above pending cases besides all other pending petitions, if any filed by them against each other before any court of law or any other forum.

9. Both the parties undertake that henceforth they would not file any criminal complaint

or any case against each other or their family members with regard to the present matrimonial alliance. Both the parties also undertake to withdraw any other pending cases, which have been filed against each other and/or their respective families.

10. The Petitioner, Ms. Shruti Singh Kothiyal and Respondent, Mr. Shivender Singh have agreed to dissolve their marriage and shall jointly pray for decree of divorce before this Hon'ble Court invoking the inherent power under Article 142 of the Constitution of India. In case this Hon'ble Court declines to grant decree of divorce as prayed for, then in the alternative, the parties shall file an appropriate application before the competent court of law at Sriganganagar (Rajasthan).

11. That the respondent-husband Mr. Shivender Singh and the petitioner-wife Ms. Shruti Singh Kothiyal do not have a biological child out of their marriage.

12. That the respondent Mr. Shivender Singh has agreed to pay the amount of Rs.6,00,000/- (Rupees Six Lakh Only) to the petitioner -wife Ms. Shruti Singh Kothiyal by way of demand draft as full and final settlement towards her past, present and future maintenance, istridhan, alimony etc. and the petitioner-wife Ms. Shruti Singh Kothiyal shall have no claim in this regard whatsoever in future.

13. That the parties were maintaining a joint Savings Bank Account No. 10524336703 in the joint name in the State Bank of India, Saharanpur Road Branch, Branch Code 3137 Dehradun (Uttarakhand). Both the parties agree to close this account in February, 2013 and shall sign the necessary documents in this regard.

14. That it is also agreed that a Honda Dio Scooty No. PB-18-N-7164 which is at present in the possession of petitioner-wife Ms Shruti Singh Kothiyal and in the

name of respondent-husband Mr. Shivender Singh shall be transferred in the name of petitioner-wife Ms. Shruti Singh Kothiyal. The respondent has agreed to sign the necessary documents in this regard.

15. That it is also agreed that all the original documents of the petitioner-wife which are in the custody of the respondent-husband are returned to the petitioner-wife. Simultaneously, the petitioner-wife has also returned back the original Airforce Wife Welfare Association Card, Dependant Card, Canteen Card to the respondent-husband."

4. The undertakings given by the parties in the above settlement are accepted.

5. We invoke our jurisdiction under Article 142 of the Constitution and dissolve the marriage between the parties and pass a decree of divorce. The matrimonial petition being H.M.A. No. 480 of 2011 filed by the respondent stands allowed in terms of the settlement noted above.

6. In terms of clause 12 of the settlement, learned counsel for the respondent has handed over drafts bearing Nos. 201520, 201512, 201517, 213367 for Rs. one lakh each and draft No. 213364 for Rs. two lakhs to the learned counsel for the petitioner in the court today. Parties are also present in the court.

7. Transfer Petition stands disposed of accordingly.

8. No costs.

.....J.

(R.M. LODHA)

NEW DELHI ;J.
JANUARY 28, 2013 (J. CHELAMESWAR)

ITEM NO.57

COURT NO.5

SECTION XVIA

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). 417 OF 2012

SHRUTI SINGH KOTHIYAL

Petitioner(s)

VERSUS

SHIVENDRA SINGH

Respondent(s)

(With appln(s) for stay and office report)

Date: 28/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s)

Mr. Ghanshyam Mishra, Adv. for
Mr. Chander Shekhar Ashri, Adv.

For Respondent(s)

Mr. Farrukh Rasheed, Adv.
Mr. Jatinder V Tomar, Adv. for
Mr. V.N. Raghupathy, Adv.

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

Transfer Petition is disposed of in terms of signed order.
No costs.

|(Pardeep Kumar)
|Court Master

|(Renu Diwan)
|Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]