

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 490 OF 2013

KARAMJEET KAUR

PETITIONER(s)

VERSUS

SANDIP SINGH KHLON

RESPONDENT(s)

O R D E R

On 3.3.2014, the matter was referred to the Supreme Court Mediation Centre (for short "the Centre") to enable the parties to have their disputes resolved amicably. The Centre nominated Ms. Manjula Gupta, advocate as the mediator and with her efforts, the parties have been able to settled their disputes amicably. They have mutually agreed to file a joint petition for getting divorce by mutual consent under Section 13-B of the Hindu Marriage Act, 1955 at Delhi in the 3rd week of August, 2014 and withdraw all cases against each other. The respondent has already

Signature Not Verified
Digitally signed by
Pardeep Kumar
Date: 2014.07.01
20:17:56 IST
Reason:

paid a sum of Rs. 2.75 lacs to the petitioner.

The settlement arrived at between the parties has
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been reduced into writing and it reads as under:

1. That both the parties have mutually agreed to file a joint petition for getting divorce by mutual consent U/s 13(b) of H.M.A. Act, 1955 (First Motion) at Delhi in the third week of August, 2014 and second motion to get a decree of divorce on or before 30th April 2015.

2. That following cases are pending between the parties:-

(i). Present T.P.(C)No. 490/2013 filed by the petitioner before this Hon'ble Court.

(ii) FIR No. 699/2012 at P.S. Sitarganj, Distt. Udhampur (Uttarakhand) Registered by the petitioner-wife..

(iii) Case No. 677/2012 pending in Family Court, Vadodara (Gujarat) filed by

the respondent-husband.

3. In view of the terms of this settlement-agreement, both the parties herein undertake to withdraw all the above pending cases besides all other pending cases/petitions filed by them against each other before any court of law or any other forum after the First Motion and before the date of second motion of the aforesaid joint petition for obtaining divorce by mutual consent and would take all necessary steps and cooperate each other for the same.

4. Both the parties undertake that henceforth they would not file any civil/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 co-operate and withdraw

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any other pending cases, which have been filed against each other and/or their respective families.

5. The Respondent, Mr. Sandip Singh Kahlon has further agreed to pay a sum of Rs.10,75,000/- (Rupees Ten Lakh Seventy Five Thousand Only) to Ms. Karamjeet Kaur, Petitioner herein as full and final settlement towards all and any past, present and future claim including her maintenance, stridhan, alimony expenses etc. Mrs. Karamjeet Kaur, the Petitioner herein would have no claim whatsoever in future with regard to the movable and/or immovable assets of the Respondent Mr. Sandip Singh Kahlon and/or his family members hence forth. Similarly Mr. Sandip Singh Kahlon shall have no claim whatsoever in future with regard to movable and/or immovable property of the petitioner Mrs. Karamjeet Kaur and/or her family members related to this matrimonial alliance.

6. That the respondent Mr. Sandip Singh Kahlon has agreed to pay the aforesaid amount of Rs.10,75,000/- (Rupees Ten Lakh Seventy Five Thousand Only) in three installments. The first installment of Rs. 2,75,000/- (Rupees Two Lakh and Seventy Five Thousand Only) would be made by the Respondent-Husband to the Petitioner-wife by way of demand draft in the name of 'Karamjeet Kaur' on the next date of hearing of the present Transfer Petition before Hon'ble Supreme Court. The Second installment of Rs. 4,00,000/- (Rupees Four Lakh Only) would be made by the respondent-husband to the petitioner wife by way of demand draft at the time of recording of statement in the First Motion of Divorce Petition by way

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of Mutual Consent. The third and final installment of Rs. 4,00,000/- (Rupees Four Lakh Only) shall be made by the respondent-husband to the petitioner-wife

by way of a demand draft at the time of recording of statement for second motion before the concerned Court.

7. That the custody of their son namely 'Sahib Raj' and daughter namely 'Prabhroop' is at present with the petitioner-wife. It is further agreed between the parties that the petitioner-wife shall hand over the custody of both of their children to the respondent-husband immediately after the recording of her statement in Second Motion will be over and thereafter, the petitioner-wife shall only have the visitation rights to the children during the Summer, Dussera and Winter Vacation with the consent and convenience of both the parties. It is further agreed between the parties that the respondent-husband shall bring the children to Delhi and will handover the children to the petitioner-wife and from Delhi, the petitioner-wife will take the children with her and after the vacations are finished, the petitioner-wife will bring the children to Delhi and will handover the children to the respondent-husband and from Delhi the respondent-husband will take the children back to his place.

8. By signing this Agreement the parties hereto solemnly state and affirm that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation.

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9. The parties undertake before this Hon'ble Court to abide by the terms and conditions set out in the above mentioned Agreement, which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth.

2. The undertakings given by the parties in the settlement are accepted. The parties are directed to abide by the terms of the settlement.

3. Transfer Petition stands disposed of accordingly. No costs.

.....CJI.
(R.M. LODHA)

.....J.
(MADAN B. LOKUR)

NEW DELHI;
JUNE 30, 2014.

.....J.
(KURIAN JOSEPH)

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ITEM NO.52

COURT NO.1

SECTION XVIA

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

Transfer Petition(s)(Civil) No(s). 490/2013

KARAMJEET KAUR

Petitioner(s)

VERSUS

SANDIP SINGH KAHLON

Respondents(s)

(with appln. (s) for stay and with office report)

Date : 30/06/2014 This petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE MADAN B LOKUR
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Ankit Gupta, Adv.
Mr. Anil Kumar Tandale ,Adv.

For Respondent(s) Mr. H. Chandra Sekhar ,Adv.
Mr. A.V. Mangvalan, Adv.
Mr. C.R. Bhaskar, Adv.

UPON hearing the 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)
AR-cum-PS

(RENU DIWAN)
COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE]