

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO.577 OF 2013

Sarita Mehta ..Petitioner

versus

Naresh Mehta ..Respondent

O R D E R

In this petition, the petitioner has prayed for transfer of M.C. No. 2686 of 2011 titled Naresh Mehta v. Sarita Mehta, pending before the IVth Additional Principal Judge, Family Court, Bangalore (Karnataka) to the Court of District Judge, Pali (Rajasthan).

While issuing notice of the transfer petition on 8.5.2013, this Court had directed the parties to appear before the Mediation Centre of the Supreme Court to explore the possibility of an amicable settlement of their disputes.

Report dated 13.9.2013 sent by the Mediation Centre of the Supreme Court shows that the parties have amicably resolved their disputes and have signed Settlement Agreement dated 11.9.2013. A copy of the settlement agreement has been placed on the record of this petition.

In view of the settlement reached between the parties, the proceedings of the following cases are withdrawn to this Court and are quashed:

1. Case No.62/2012 arising out of FIR No.38/2011, Charge Sheet No.53, u/s 498A, 406, 323 IPC pending before the Chief Judicial Magistrate, Pali (Rajasthan) filed by the petitioner-wife;
2. FIR No. 128/2012 u/s 154 Cr.P.C. u/s 506, 34, 406 pending before the 3rd Additional CMM Court, Nrupatunga Road, Bangalore City (Karnataka) filed by the mother of the respondent Mrs. Manjula Mehta.
3. Case No. 17/2013 filed by the petitioner wife Sarita Mehta for interim maintenance pending in the Court of CJM, Pali, Rajasthan.
4. M.C. No. 2686 of 2011 titled Naresh Mehta v. Sarita Mehta pending in the Court of IVth Additional Principal Judge, Family Court, Bangalore (Karnataka).

The parties have conveyed their unequivocal willingness to seek divorce by mutual consent. Therefore, we consider it proper to exercise the power vested in this Court under Section 13B of the Hindu Marriage Act, 1955 read with Article 142 of the Constitution and grant a decree of divorce by mutual consent.

It is needless to say that parties shall strictly abide by the terms of the settlement.

The transfer petition is disposed of in the manner indicated above.

.....J.
[G.S. SINGHVI]

