

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 753/2023

SUSHMITA DHILLON

PETITIONER(S)

VERSUS

VIJAYDEEP SINGH DHILLON

RESPONDENT(S)

WITH

TRANSFER PETITION (CRL.) NO. 841/2022

O R D E R

These Transfer Petitions have been filed under Section 25 of the Code of Civil Procedure, 1908 (for short "CPC") and under Section 406 of the Code of Criminal Procedure, 1973 (for short "CrPC"), the petitioner has sought the following reliefs:

T.P. (C) NO. 753/2023:

- "(a) Transfer the Case titled as Sh. Vijaydeep Singh Dhillon vs. Smt. Sushmita Dhillon being HMA No.892/2018 pending before the Court of Ld. Judge Family Courts, Southeast, Saket Courts, New Delhi to the Ld. Court of Competent Jurisdiction, at Pune; and
- (b) Pass such further or other orders as this Hon'ble Court may deem fit and proper."

T.P.(CRL.) NO. 841/2022:

- "(a) Transfer the Case titled as Smt. Sushmita Dhillon vs. Sh. Vijaydeep Singh Dhillon being Complaint Case No.7232/2018 pending before the Court of Ld. Metropolitan Magistrate, South East, Saket Courts, New Delhi to the Ld. Court of Competent Jurisdiction, at Pune; and
- (b) Pass such further or other orders as this Hon'ble Court may deem fit and proper."

During the pendency of these petitions, the parties were referred to the Supreme Court Mediation Centre.

Learned counsel for the respective parties submitted that the parties have arrived at a settlement and have resolved their disputes on certain terms and conditions which are crystallized in the form of a Settlement Agreement dated 22.12.2023. A copy of which has been filed by the Supreme Court Mediation Centre.

They further submitted that the parties have filed a joint application which has in fact been verified, the same may be taken on record. Considering the Settlement Agreement as well as the joint application, the marriage between the parties may be dissolved by a decree of divorce by mutual consent and accordingly, the Transfer Petitions may be disposed of.

Learned counsel for the respective parties also submitted that the respondent has agreed to give two demand drafts bearing No.504960 and 504961 dated 09.01.2024 drawn on ICICI Bank for a sum of Rs.13,50,000/- (Rupees Thirteen Lakhs and fifty thousand only) each totally Rs.27,00,000/- (Rupees Twenty Seven Lakhs only) to the petitioner and the same are handed over to the learned counsel for the petitioner. The said amount is in full and final settlement of all claims made by the petitioner on the respondent.

It was further submitted that the minor child of the parties by name Aryadip Singh Dhillon shall be in the permanent custody of the petitioner and the respondent has no claim whatsoever on the said minor child and not even visitation rights have been reserved to the respondent.

They further submitted that following two matters may be

quashed in view of the settlement arrived at between the parties, namely:

1. Ct. Case No.7232 of 2018 instituted by Petitioner/Wife before the Ld. Metropolitan Magistrate (Mahila Court), South-East, Saket, Delhi U/s 12 of the Protection of Women from Domestic Violence Act, 2005.
2. HMA No.892 of 2018 (District E-Court website HMA No.519 of 2018) instituted by Respondent/Husband before Ld. Family Courts, South-East, Saket, Delhi U/s 13(1) (ia) and (ib) of the Hindu Marriage Act, 1955."

The parties have appeared through video conferencing facility. They have been identified by their respective counsel.

When queried by this Court, the parties stated that they have indeed arrived at a settlement and that they would abide by the terms and conditions of the settlement.

They further stated that the settlement has been arrived at on their own free volition without there being any coercion or undue influence from any side. They stated that the marriage between the parties may be dissolved by a decree of divorce by mutual consent.

In the above circumstances, we have taken on record the Settlement Agreement filed by the Supreme Court Mediation Centre as well as the joint application filed by the parties under Article 142 of the Constitution and perused the same. On perusal of the same, we find that the terms of the settlement are lawful and there is no legal impediment in accepting the same. Hence, the terms of the settlement are accepted.

It is noted that the respondent has already paid a sum of Rs.27,00,000/- (Rupees Twenty Seven Lakhs only) to the petitioner

which is subject to realization of the same in full and final settlement of all claims of the petitioner on the respondent. Further, the aforesaid two cases stand quashed. The petitioner shall have permanent custody of the minor child Aryadip Singh Dhillon without reserving any right to the respondent whatsoever over the child.

Consequently, the marriage between the parties solemnized on 10.02.2007 at Kolkata is dissolved by a decree of divorce by mutual consent.

The Settlement Agreement shall form part and parcel of this order.

The Registry to draw-up a decree in the aforesaid terms.

Consequently, the Transfer Petitions stand disposed of.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

.....J.
(AUGUSTINE GEORGE MASIH)

NEW DELHI;
JANUARY 22, 2024

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSTRANSFER PETITION(S)(CIVIL) NO(S). 753/2023

SUSHMITA DHILLON

Petitioner(s)

VERSUS

VIJAYDEEP SINGH DHILLON

Respondent(s)

(MEDIATION REPORT HAS BEEN RECEIVED IN BOTH THE MATTERS.
IA No. 60747/2023 - STAY APPLICATION)

WITH

T.P.(Crl.) No. 841/2022 (II-C)

IA No. 199605/2022 - EX-PARTE STAY)

Date : 22-01-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIHFor Petitioner(s) Mr. Sanjeev Kaushik, Adv.
Mr. Himanshu Chakravarty, Adv.
Mr. Bhanu Mishra, Adv.
Ms. Astha Sharma, AORFor Respondent(s) Mr. Divyanshu Sarawat, Adv.
M/S. Mukesh Kumar Singh And Co., AOR
Mr. Raj Srivastav, Adv.
Ms. Komal Singh, Adv.
Mr. Ikshit Singhal, Adv.
Mr. Raghav Kumar Bimal, Adv.
Mr. Lohit Kumar Bimal, Adv.
Mr. Vineet Singh, Adv.UPON hearing the counsel the Court made the following
O R D E R

Learned counsel for the respective parties submitted that a joint application under Article 142 of the Constitution by e-mail No.SCIN01-01253-2024 has been filed on 21.01.2024.

The same is taken on record.

The Registry to put up a physical copy of the same on record.

Transfer petitions stand disposed of in terms of the signed order

Pending application(s), if any, shall stand disposed of.

(RADHA SHARMA)
COURT MASTER (SH)

(MALEKAR NAGARAJ)
COURT MASTER (NSH)

(Signed order is placed on the file)