

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 657 OF 2009

SHIVANI SIDHU

Petitioner(s)

VERSUS

B.S. SIDHU

Respondent(s)

O R D E R

In this petition filed under Section 25 of the Code of Civil Procedure, the petitioner has prayed for transfer of M.J. Petition No.D-17 of 2007 titled "B.S. Sidhu versus Shivani Sidhu" pending in the Family Court, Mumbai at Bandra.

During the pendency of the matter, learned counsel for the parties made sincere efforts to bring about an amicable settlement between the parties and we are happy to note that their efforts have yielded positive result.

On the basis of the agreement arrived at between them, the parties have filed I.A. No.2 of 2011, perusal of which shows that they have settled their disputes and agreed to withdraw all the cases filed against each other. Para 3 of the application reads as under:

2

3.That the parties in consideration of the interest and welfare of the children have compromised the matter as under:

a) That both the parties shall look after the welfare of the children. It has been mutually agreed that Shri B.S. Sidhu shall take care of the maintenance and education of the children, who shall continue to be in his custody along with visitation rights of the petitioner and during the summer and winter holidays, the children will also be with the mother (Shivani Sidhu) subject to the convenience and wish of the children.

b) Shri B.S. Sidhu shall pay a sum of Rs.16,000/- (Rs. Sixteen thousand) per month as maintenance to his wife Shivani Sidhu w.e.f. 1st August 2011, he shall not be liable for payment of income tax on this amount.

c) That both the parties shall withdraw the cases mentioned in para 1 above. It has further been agreed that the parties shall withdraw any other case pending against each other in any Court of Law, Police or any other Authority and not mentioned in the Transfer Petitions. However, any of the party may file fresh case without the application of res judicata, if the situation so warrants.

d) That this arrangement has been made for the parties for two years or the parties may file for divorce on mutually acceptable terms and if it works satisfactorily the same shall continue. The parties shall remain bound by their undertaking made in this application. The compromise has been made voluntarily and their own free will without any pressure or coercion."

In view of the above, the transfer petition is disposed of as infructuous.

We hope and trust that the parties will abide by the

3

terms of the agreement.

It is made clear that the respondent shall not be entitled to take advantage of the latter part of paragraph 3(b) of the terms of settlement in the matter of payment of income tax.

TRANSFER PETITION (C) No.169 of 2007
TRANSFER PETITION (Cr1.) No.168 of 2007
TRANSFER PETITION (C) No.296 of 2007:

In view of the order passed in Transfer Petition No.657 of 2009, these petitions are disposed of as infructuous.

.....J.
(G.S. SINGHVI)

.....J.
(H.L. DATTU)

NEW DELHI,
August 01, 2011.

4

ITEM NO.47

COURT NO.9

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

