

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 608 OF 2012

MEENAKSHI ADHIKARI Petitioner(s)

VERSUS

SANTOSH SINGH ADHIKARI Respondent(s)

O R D E R

By order dated October 8, 2012 the matter was referred to the Supreme Court Mediation Centre.

2. The Co-ordinator, Supreme Court Mediation Centre has reported that Ms. Susmita Lal, Advocate-Mediator, was nominated to conduct mediation in the matter and the parties have arrived at settlement.

3. The relevant portion of the settlement entered between the parties reads as under :-

"4. Both the parties hereto confirm and declare that they have voluntarily and of their own freewill agreed to live together as husband and wife.

5. That respondent/husband has agreed to withdraw the Civil Suit NO. 20 of 2012 "Santosh Singh Adhikari Vs. Smt. Meenakshi Adhikari pending before the Civil Judge (Senior Division) District Almora, Uttarakhand filed against the petitioner/wife within the period of four weeks from date of disposal of the present Transfer Petition.

6. Similarly, petitioner/wife has agreed to withdraw the petition under Section 12 of Domestic Violence Act "Smt. Meenakshi Adhikar Vs. Santosh Singh Adhikar & Ors." pending in the Court of Ms. Monika Saroha, Metropolitan Magistrate, Saket Court, New Delhi within the period of four weeks from date of disposal of the present Transfer Petition.

7. That it is further agreed by the petitioner/wife that she will withdraw the Crl. Complaint filed by her against the Respondent-husband and his family members pending before the Women Cell, P.S. Srinivaspuri, New Delhi within the period of four weeks from date of disposal of the present Transfer Petition.

8. That it is further agreed between the parties that the petitioner/wife who is at present living with her parents at Delhi shall join the company of the respondent-husband who is serving in the Indian Army at present posted at Pune, (Maharashtra) in the month of February, 2013. The respondent will come to Delhi and take petitioner-wife to Pune giving one week prior intimation.

9. It is further agreed by respondent-husband who is serving in the Indian Army at present posted at Pune (Maharashtra) that he will keep the petitioner-wife along with him wherever he is posted. It is further agreed by both the parties that in case the provision of family accommodation at place of the posting of the respondent-husband is not available, the petitioner-wife will stay with her parents at Delhi and during holidays the respondent-husband will visit the petitioner at Delhi for some days. During such period the respondent-husband has agreed to take care of the monthly expenses of the petitioner-wife by depositing Rs. 3000/- per month in her bank account. The respondent will also provide grocery card during her stay with her parents.

10. It is further agreed by the parties that the respondent-husband after his retirement will take/build a separate accommodation, at any other place but not at Vill. Dadgaliya, Kalika, Tehsil Ranikhet, Distt. Almora (Uttarakhand), from his family and live with the petitioner-wife separately.

11. That both the parties have further agreed to apply for a Marriage Certificate before the Marriage Registrar, New Delhi within four weeks after the disposal of the present Transfer Petition.

12. That the both the parties hereby undertake to put in their best efforts to adjust with each other and maintain peace and harmony in the family and mutually agree that they will take care of the safety and security of each other and the respondent husband shall take care of the daily needs and necessities of the petitioner-wife.

13. Both the parties undertake to withdraw any other pending cases, which have been filed against their families or each other, within four weeks from today.

14. By signing this Agreement the parties hereto state that all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation.

15. 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."

4. We accept the undertakings given by both the parties in the above settlement.

5. In view of above, Transfer Petition does not survive and it is dismissed accordingly.

.....J.
(R.M. LODHA)

NEW DELHI;J.
JANUARY 7, 2013 (ANIL R. DAVE)
ITEM NO.52 COURT NO.6 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). 608 OF 2012

MEENAKSHI ADHIKARI Petitioner(s)

VERSUS

SANTOSH SINGH ADHIKARI Respondent(s)

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

Date: 07/01/2013 This Petition was called on for hearing
today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Kailash Pandey, Adv.
Mr. Ranjeet Singh, Adv.
Ms. Pooja Marwaha, Adv.
Mr. K.V. Sreekumar, Adv.

For Respondent(s) Mr. Jagjit Singh Chhabra, Adv.
Mr. Samar Vijay Singh, Adv.

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

Transfer Petition is dismissed in terms of the signed
order.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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(signed order is placed on the file)