

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

Petition(s) for Special Leave to Appeal (Crl) No(s).4317/2007

(From the judgement & order dated 04/08/2006 in CRLM No.46687/2005
of The HIGH COURT OF PATNA)

DINESH KUMAR SRIVASTAV & ORS.

Petitioner(s)

VERSUS

SWATI SINHA & ANR.

Respondent(s)

(With appln(s) for c/delay in filing SLP, exemption from filing
O.T. and stay)
[For Final Disposal]

Date: 19/10/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DALVEER BHANDARI
HON'BLE MR. JUSTICE P. SATHASIVAM

For Petitioner(s)

Mr. P.K. Jain,Adv.

For Respondent(s)

Ms. Vimla Sinha,Adv.

Mr. Gopal Singh,Adv.

Mr. Manish Kumar Saran,Adv.

UPON hearing counsel the Court made the following
O R D E RLeave granted.
The civil appeal is disposed of.[Alka Dudeja]
Court Master[Neeru Bala Vij]
Court Master[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.1922 OF 2009
(Arising out of S.L.P. (Crl.) No.4317 of 2007)

Dinesh Kumar Srivastav and Ors.

...Appellant(s)

Versus

Swati Sinha and Anr.

...Respondent(s)

Leave granted.

During the pendency of this matter, a joint application has been filed by Dinesh Kumar Srivastav and Swati Sinha under Section 13-B of the Hindu Marriage Act, 1956, [for short, 'the Act']. It is stated in the said application that, during the pendency of the present petition, the parties have decided to put an end to their matrimonial relationship and filed the present application for seeking mutual divorce under Section 13-B of the Act. In the application, it is mentioned that both the parties shall withdraw the civil and criminal proceedings initiated by them against each other in various Courts. Let it be done within four weeks from today.

The appellant-Dinesh Kumar Srivastav has given a bank draft of Rs.1.25 lakhs to Swati Sinha towards her maintenance and Rupees one lakh has been deposited in the name of his daughter-Shivani Sinha under the guardianship of her mother Swati Sinha.

....2/-

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The appellant-Dinesh Kumar Srivastav has further agreed to pay Rupees two thousand per month to Swati Sinha towards monthly educational expenses of his daughter Shivani Sinha. He has also undertaken to pay the same till Shivani attains the age of 18 years. The amount of Rupees two thousand shall be paid to Swati Sinha by an account payee cheque/draft every month by 15th day of each calendar month. It may be stated that the amount of Rupees two thousand would be paid from the month of November, 2009 onwards.

The appellant-Dinesh Kumar Srivastav would be entitled to spend two hours with his daughter on second and fourth Saturdays/Sundays of every month at the place wherever she stays with Swati Sinha. Swati Sinha is directed to cooperate in that respect.

On consideration of the totality of the facts and circumstances of this case, the parties are granted a decree of divorce by mutual consent.

In case of non-compliance of any condition incorporated in the application, the parties would be at liberty to approach the Allahabad High Court.

The civil appeal is, accordingly, disposed of on the above terms.

.....J.
[DALVEER BHANDARI]

.....J.
[P. SATHASIVAM]

New Delhi,
October 19, 2009.