

ITEM NO.29

COURT NO.11

SECTION XIV

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Civil)...../2010
(CC 11544/2010)
(From the judgement and order dated 08/02/2010 in FAO No. 326/2008
of The HIGH COURT OF DELHI AT N. DELHI)

VIVEK RASTOGI

Petitioner(s)

VERSUS

ARCHANA RASTOGI

Respondent(s)

IA 1 (C/delay in filing SLP and office report)

Date: 11/04/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr.Arun Monga, Adv.
Mr.Vivek Sharma, Adv.
Ms. Naresh Bakshi, Adv.

For Respondent(s)

Ms.Geeta Luthra, Sr.Adv.
Mr.Jathin Sehgal, Adv.
Mr.Prabat Bagchi, Adv.
Mr. D.N. Goburdhan, Adv.

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

Delay condoned.

In this petition filed under Article 136 of the Constitution, the petitioner has prayed for setting aside order dated 08.02.2010 of the Division Bench of the Delhi High Court in FAO(OS)No.326/2008 and CM No.10603/2008 whereby the appeal preferred by him against the order passed by the learned Single Judge on an

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application filed by the respondent for maintenance was dismissed.

During the pendency of the special leave petition, the parties were directed to appear before the Mediation Centre of the Supreme Court to explore the possibility of an amicable resolution of their disputes. As a result of mediation, the parties have

settled their disputes and have also agreed for dissolution of their marriage under Section 13B of the Hindu Marriage Act, 1955 (for short, 'the Act').

In furtherance of the Settlement Agreement, the parties have jointly filed I.A.No.2 of 2011, which is accompanied by a copy of Settlement Agreement dated 19.03.2011 duly signed by them, their advocates, mother of the respondent and the mediator, Ms. Reena Singh. The Settlement Agreement is taken on record. The same shall form part of this order.

The parties, who are present in the Court, reiterated that they have settled their disputes and agreed for dissolution of marriage by mutual consent.

Learned counsel for the petitioner has handed over the following cheques to the counsel for the respondent:

S.No.	Payment against	Cheque No.	Bank	Dated	Amount (Rs.lacs)	Date on which cheques to be presented
1.	Maintenance Arrears	149614	Bank of Baroda, Ghaziabad	April, 11, 2011	15.00	April 11, 2011
2.	Towards payment of alimony & permanent	154851	Citibank, New Delhi	April, 11, 2011	70.00	April 22, 2011

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3.	maintenance of Rs.1 crore Towards payment of alimony & permanent maintenance of Rs.1 crore	154854	Citibank, New Delhi	April, 11, 2011	30.00	April 22, 2011
4.	Towards payment of alimony and permanent maintenance by way of EMI over 36 months including interest	154853	Citibank, New Delhi	April, 11, 2011	39.15	One cheque of Rs.39.15 lacs given now. This will be replaced with 36 cheques as per Appendix A. Each cheque can be

encashed
on the 1st
of every
month and
starting
from May,
2011.

Total 154.15

APPENDIX-A

Month	Amount paid	Interest	Cheuge amount
May-11	1.00	0.175	1.175
Jun-11	1.00	0.170	1.170
Jul-11	1.00	0.165	1.165
Aug-11	1.00	0.160	1.160
Sep-11	1.00	0.155	1.155
Oct-11	1.00	0.150	1.150
Nov-11	1.00	0.145	1.145
Dec-11	1.00	0.140	1.140
Jan-12	1.00	0.135	1.135
Feb-12	1.00	0.130	1.130
Mar-12	1.00	0.125	1.125
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Apr-12	1.00	0.120	1.120
May-12	1.00	0.115	1.115
Jun-12	1.00	0.110	1.110
Jul-12	1.00	0.105	1.105
Aug-12	1.00	0.100	1.100
Sep-12	1.00	0.095	1.095
Oct-12	1.00	0.090	1.090
Nov-12	1.00	0.085	1.085
Dec-12	1.00	0.080	1.080
Jan-13	1.00	0.075	1.075
Feb-13	1.00	0.070	1.070
Mar-13	1.00	0.065	1.065
Apr-13	1.00	0.060	1.060
May-13	1.00	0.055	1.055
Jun-13	1.00	0.050	1.050
Jul-13	1.00	0.045	1.045
Aug-13	1.00	0.040	1.040
Sep-13	1.00	0.035	1.035
Oct-13	1.00	0.030	1.030
Nov-13	1.00	0.025	1.025
Dec-13	1.00	0.020	1.020
Jan-14	1.00	0.015	1.015
Feb-14	1.00	0.010	1.010
Mar-14	1.00	0.005	1.005
Apr-14	1.00	0.000	1.000
Total	36.00	3.150	39.150

Learned counsel for the respondent has delivered the cheques to her client, who, as mentioned above, is present in the Court.

We have gone through the averments contained in the application and are satisfied that the parties have voluntarily agreed to dissolve their marriage by mutual consent.

In view of the above, I.A. No. 2 of 2011 is disposed of in

the following terms:

1.A decree of divorce by mutual consent is granted in terms of Section 13B of the Hindu Marriage Act, 1955 by invoking the powers of this Court under Article 142 of the Constitution.

2.The proceedings of the various cases filed by the parties, the details of which are given below, are withdrawn to this

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Court and are dismissed:

(a)Maintenance Suit CS (OS) No.1710 of 2006 in Delhi High Court.

(b)Divorce Petition No.HMA 56 of 2006 in Family Court, Gurgaon.

(c)Partition Suit C.S.No.65 of 2007 in the Court of Civil Judge, Gurgaon Court.

(d)Contempt Petition CONT CAS(C)No.277 of 2010 in Delhi High Court.

As a sequel to the above, the special leave petition is disposed of as infructuous.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master