

SUPREME COURT LOK ADALAT

TRANSFER PETITION (C) NO. 1160 OF 2008

RINKU SINGH

Petitioner(s)

VERSUS

SANTOSH KAMAL SINGH

Respondent(s)

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

Date: 25/04/2009 The above petition was taken up today for settlement.

MEMBERS OF LOK ADALAT:

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE H.L. DATTU

For Petitioner(s)

Mr. Rajeeva Ranajan Sahaya, Adv.

Mr. Mirza Haider Imam, Adv.

Mr. Rajeshwar Prasad Singh, Adv.

Mr. Ejaz Maqbool, Adv.

For Respondent(s)

Mr. K.B. Upadhyay, Adv.

Mr. S.R. Setia, Adv.

This matter was taken up at the Supreme Court Lok Adalat with the consent and agreement through their counsel.

The petitioner Rinku Singh and her counsel present. The respondent-husband Santosh Kamal Singh and his counsel present. The parties have the following litigations pending between them: (i) Divorce petition by the respondent-husband; (ii) Maintenance petition by the petitioner-wife and her father; (iii) Three criminal cases, two initiated by the father and one initiated by the uncle of the petitioner-wife.

The parties had detailed negotiations and have mutually arrived at a settlement with the assistance of the two advocate-mediators Ms. Sadhana Ramachandran and Mr.

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Kewal Singh Ahuja. The settlement which has been reduced to writing and they have filed 'Settlement Agreement' dated 24.4.2009. The terms of the settlement are contained in paras 5(a) to 5(d). Petitioner, her father and the respondent admit that they have signed the said settlement agreement which is annexed hereto and marked as Annexure 'A'.

One of the terms of settlement is that the petitioner-wife should undergo a medical examination by a psychiatrist to clear any doubt or apprehension about her mental condition and fitness. They have agreed that the petitioner may be examined by psychiatrist/s from VIMHANS or AIIMS, New Delhi as may be decided by the Members of the Lok Adalat.

Having discussed the matter with the parties, we hereby constitute a Medical Board consisting of three psychiatrists, two to be named by the Director of AIIMS and one to be named by the Director of VIMHANS. The Medical Board consisting of three psychiatrists will examine the petitioner and give a report about her mental condition and fitness.

As the mental fitness itself is doubted, it is obvious that until that issue is cleared, any settlement arrived at by her may not be binding on her.

In the circumstances, we provisionally accept the settlement and refer the petitioner for medical examination. The Registry may send a communication to the Directors of AIIMS and VIMHANS for nominating two and one psychiatrist respectively for the constitution of the Medical Board. The petitioner shall be examined by the Medical Board at AIIMS on the date and time fixed by the Medical Board. After

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constitution of the Medical Board of three psychiatrists, the date and time for the examination shall be communicated to the petitioner through the Registry. After the examination and report, we will pass appropriate orders in regard to the expenses and reimbursement of cost involved in such examination by consent.

List the matter in the afternoon of 14th May 2009 before a Special Lok Adalat to be constituted by the Supreme Court Legal Services Committee for this purpose.

(RINKU SINGH)

(SANTOSH KAMAL SINGH)

(RAJEEVA RANAJAN SAHAYA)

(K.B. UPADHYAY)

Counsel for the petitioner Counsel for the respondent

(SADHANA RAMACHANDRAN)
Advocate, Amicus Curiae
Mediator

(KEWAL SINGH AHUJA)
Advocate, Amicus Curiae
Mediator

.....J.
(R.V. RAVEENDRAN)
MEMBER, LOK ADALAT

.....J.
(H.L. DATTU)
MEMBER, LOK ADALAT