

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 986 OF 2012

SHRESHTHA

PETITIONER(s)

VERSUS

PRATEEK RATNA PARKHI

RESPONDENT(s)

O R D E R

Petitioner - Shreshtha and respondent - Prateek Ratna Parkhi are personally present in the court with their respective counsel.

2. Vide order dated October 15, 2012, the matter was referred to the Supreme Court Mediation Centre.

3. Pursuant to the above, the Supreme Court Mediation Centre nominated Mr. Manoj Kumar Jain, advocate as the mediator to conduct mediation. with his efforts, the parties have been able to resolve their matrimonial disputes amicably. A written agreement has been entered into between them. The relevant clauses of the agreement read as follows:

"Both the parties hereto confirm and declare that they have, voluntarily and of their own free will, arrived at this Settlement in the presence of the Mediator.

- . That following cases are pending between the parties:-
- . Present T.P.(C)No. 986/2012 filed by the petitioner .
- . Application No. Nil, U/s 24 of the H.M.A. for Maintenance Pendent Lite & Expenses of Proceedings pending in the Court of Hon'ble District Judge, Dadra Nagar Haveli at Silvassa filed by the Petitioner.
- . Case No. 171/2012 U/s 498A, 406 I.P.C. Pending in the Court Judicial Magistrate (First Class) No. 3, North Kota (Rajasthan) filed by the Petitioner.
- . Case No. 392/2012 U/s 125 Cr.P.C. pending in the Family Court, Kota (Rajasthan) filed by the Petitioner.
- . H.M.P. No. 02/2012 U/s 13(1) (a) of Hindu Marriage Act, pending in the court of District Judge, Dadra & Nagar Haveli at Silvassa filed by the Respondent.
- . Both the parties herein undertake to withdraw all the above

pending cases besides all other pending petitions filed by them against each other before any court of law or any other forum.

- . Both the parties undertake that henceforth they would not file any criminal complaint or any case against each other or their family members with regard to the present matrimonial alliance. Both the parties also undertake to withdraw any other pending cases, which have been filed against each other and/or their respective families.
- . The Respondent, Mr. Prateek Ratna Parkhi has further agreed to pay Rs10,50,000/- (Rupees Ten Lakh Fifty Thousand Only) to Ms. Shreshtha, Petitioner herein as full and final settlement towards any past, present and future claim including her maintenance, stridhan and alimony etc. Ms. Shreshtha, the Petitioner herein would have no claim whatsoever in future with regard to the movable and/or immovable assets of the
- .
- . Respondent, Mr. Prateek Ratna Parkhi and/or his family members hence forth. Similarly Mr. Prateek Ratna Parkhi shall have no claim whatsoever in future with regard to movable and/or immovable property of the petitioner Mrs. Shreshtha and/or her family members.
- . The Petitioner, Ms. Shreshtha and Respondent, Mr. Prateek Ratna Parkhi shall jointly pray for decree of divorce before this Hon'ble Court invoking the inherent power under Article 142 of the Constitution of India. In case this Hon'ble Court declines to grant decree of divorce as prayed for, then in the alternative, the parties shall file an appropriate application before the competent court of law.
- . That the respondent Mr. Prateek Ratna Parkhi has agreed to pay the aforesaid amount of Rs10,50,000/- (Rupees Ten Lakh Fifty Thousand Only) in 2 installments by way of demand draft payable at Kota (Rajasthan). The first installment of Rs. 5,00,000/- (Rupees Five Lakh Only) would be paid on the first date when the application for mutual counsel would be listed before this Hon'ble Supreme Court and the second installment of R. 5,50,000/- (Rupees Five Lakh Fifty Thousand Only) would be paid after three months thereafter.
- . By signing this Agreement the parties hereto state that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation.

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. The parties have also made an application

jointly being I.A. No. 2 of 2013 praying therein that in view of the agreement entered into between them, this Court may invoke its power under Article 142 of the Constitution of India and dissolve their marriage in terms of agreement and also quash and set-aside the Criminal Case No. 171 of 2012, pending in the court of Judicial Magistrate (First Class) No. 3, North Kota (Rajasthan).

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Ms. Aishwarya Bhati,Adv.

For Respondent(s) Mr. Shivaji M. Jadhav,Adv.

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

Transfer Petition and pending I.As stand disposed of in
terms of signed order. No costs.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]