

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO.2

IN

TRANSFER PETITION (C) NO. 683 OF 2007

SEEMA BANSAL

... Petitioner(s)

Versus

MAYANK BANSAL

... Respondent(s)

O R D E R

1. This is a matrimonial dispute. The petitioner-wife as well as the respondent-husband through their respective counsel had agreed to refer the matter for mediation. In the mediation proceedings, the petitioner as well as the husband settled the dispute and agreed on certain terms which are mentioned in paragraphs 1-7 of the judgment dated 16th October, 2008 passed by this Court in Transfer Petition (C) No. 683 of 2007.

2. I.A. No.2 has been filed by the parties seeking modification of judgment dated 16.10.2008. Learned counsel appearing for the parties point out that though the parties on the basis of the aforesaid terms had agreed for a mutual

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divorce and a decree for divorce was agreed to be passed by mutual consent, however, there is no mention in the judgment regarding the fact of divorce. In the result, the marriage between the petitioner and husband is still subsisting in law.

3. In view of the statements made before us by Kajal Chandra, learned counsel appearing for the petitioner-

Ms.

wife and Mr. Ashok Mathur, learned counsel appearing for the respondent-husband, we deem it fit to pass a decree of divorce by mutual consent on the basis of the aforesaid agreed terms. We direct that para 8 be added in the said judgment to the effect that the parties are granted the decree of divorce by mutual consent.

4. Learned counsel appearing for the petitioner-wife points out that as agreed in the judgment dated 16.10.2008, the payments have not been made. Mr. Mathur, learned counsel appearing for the respondent-husband hands over a draft of Rs. 60,000/- towards the arrears of monthly maintenance as agreed in para 3-A to the learned counsel for the petitioner in the court today. He also agrees to pay the first installment of Rs. 2.5 lakhs to the petitioner within two weeks from today. Mr. Mathur also undertakes on behalf of respondent that the terms relating to the payment of

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maintenance as well as the payment of Rs. 10 lakhs would be scrupulously followed.

5. I.A. No.2 stands disposed of accordingly.

.....J.
(V.S.SIRPURKAR)

.....J.
(Dr.MUKUNDAKAM SHARMA)

New Delhi,
January 07, 2010.

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ITEM NO.1 COURT NO.10 SECTION XVIA

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

I.A. NO.2 IN TRANSFER PETITION (CIVIL.) NO(s). 683 OF 2007

SEEMA BANSAL

Petitioner(s)

VERSUS

MAYANK BANSAL

Respondent(s)

(for modification of Court's Order)

Date: 07/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V.S. SIRPURKAR
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

For Petitioner(s) Ms. Kajol Chandra, Adv. for
Mr. Sanjeev Anand, Adv.

For Respondent(s) Mr. Ashok Mathur, Adv.

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

I.A. No. 2 is disposed of in terms of signed order.

(Pardeep Kumar)
Court Master

(Shashi Bala Vij)
Court Master

[SIGNED ORDER IS PLACED ON THE FILE]