

L"ITEM NO. 1

COURT NO.5

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. Nos. 11, 12 & 13 IN
TRANSFER PETITION (CIVIL.) NO(s). 899 OF 2007

NEETI MALVIYA .. Petitioner(s)

VERSUS

RAKESH MALVIYA .. Respondent(s)

(For permission for withdrawal of amount and for directions)

Date: 23/08/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Satya Mitra, Adv.
Mr. D.N. Pandey, Adv.

For Respondent(s) Ms. Jasmine Damkewala, Adv.
Mr. Saurav Seth, Adv.
Mr. Amitesh Mishra, Adv.
Mrs Manik Karanjawala, Adv.
for M/s Karanjawala & Co., Adv.

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

I.A. Nos. 11,12, & 13 are disposed of in terms of
the signed order. All other pending I.A.s. are
rendered infructuous and are disposed of.

[Charanjeet Kaur]
Court Master

[Kusum Gulati]
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

I.A. Nos. 11, 12 & 13 of 2011 IN
TRANSFER PETITION (CIVIL) NO. 899 of 2007

Neeti Malviya .. Petitioner(s)

Versus

Rakesh Malviya .. Respondent(s)

O R D E R

These applications have been filed by the parties
respectively for release of the amount agreed to be paid
by the husband to the wife and for quashing of Case No.
751 of 2008 arising out of FIR No. 115 of 2008.

It is stated that during the pendency of the main matter, marriage between the parties has since been dissolved by virtue of decree dated 19th July, 2011 by the Principal Judge, Family Court, Bangalore in M.C. No. 1475 of 2010. In the light of the said development, we are of view that in the main matter nothing survives for our consideration. As a matter of fact even the reference made by this Court to a larger Bench vide order dated 12th May, 2010 (since reported as 2010 (6) SCC 413, Neeti Malviya vs. Rakesh Malviya) is also rendered infructuous insofar as the present case is concerned.

Accordingly, we dispose of the main transfer petition in terms of the decree passed by the Family

..2/-

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Court. We further direct that in view of the settlement between the parties all pending cases, including Case No. 751 of 2008, pending in the Court of J.M.F.C. Itarsi, Hoshangabad, shall stand quashed. The applications stand disposed of accordingly.

It is pointed out that out of Rs.65 lacs deposited by the respondent in this Court, an amount of Rs.2.5 lacs has already been released to the petitioner by means of a bank draft payable at Itarsi vide order dated 12th May, 2010. The balance amount of Rs.62.5 lacs is stated to be lying in a fixed deposit receipt, which is maturing in the month of February, 2012. Let all the F.D.Rs. in the total sum of Rs. 62.5 lacs be got encashed prematurely and the said amount along with interest accrued thereon be remitted to the Principal Judge, Family Court, Bangalore, in M.C. No. 1475 of 2010, for being disbursed in terms of the settlement, after due notice to the parties.

All other pending I.A.s are rendered infructuous and are disposed of accordingly.

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[D.K. JAIN, J.]

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[ASOK KUMAR GANGULY, J.]

NEW DELHI,
AUGUST 23, 2011.