

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

TRANSFER PETITION [C] NO.899 OF 2007

NEETI MALVIYA

Petitioner(s)

VERSUS

RAKESH MALVIYA

Respondent(s)

(With appln.(s) for stay, grant of maintenance and exemption from filing O.T.)

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

CORAM :

HON'BLE MR. JUSTICE D.K. JAIN  
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s) Ms. Satya Mitra,Adv.  
Mr. Sanjay Jain,Adv. (N/P)

For Respondent(s) Ms. Jasmine Damkewala,Adv.  
Mr. Saurabh Seth,Adv.  
Ms. Manik Karanjawala,Adv.(N/P)

The Matter is taken up at the Supreme Court Lok Adalat with the consent of the parties.

With the efforts of the Delhi High Court Mediation and Conciliation Centre, the parties have voluntarily and of their own free will arrived at settlement. Petitioner-wife, Neeti Malviya and Respondent-husband, Rakesh Malviya are present before us. They affirm that they have entered into settlement. The settlement agreement dated 24th April, 2009, has been filed setting out the terms of agreement. The settlement agreement is taken on record.

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One of the terms so agreed upon is that the husband is to pay to the wife an amount of Rupees sixty five lakhs on or before 28th February, 2010. It is now agreed before us that the said amount of Rupees sixty five lakhs shall be deposited in this Court as per the schedule of dates mentioned in the agreement. The amount, so deposited, shall be put in a Fixed Deposit Receipt for a period upto 1st May, 2010.

As per the agreement, the custody of the minor child Narayani, aged about three and half years, is to remain with her mother Neeti and the date and time for visitation of the father is to be determined with the consent of the mother. A prayer is made on behalf of the father that his visitation time may be increased so that he is able to spend more time with his daughter Narayani. Though initially the wife was reluctant to give any concession in that behalf but again, with the intervention of the learned amicus curiae, both the parties have agreed, in the presence of their respective fathers, that the father will be permitted to meet her daughter as and when he gives prior intimation to Neeti to do so.

It is also agreed that when full amount in terms of the agreement is deposited, the parties shall, immediately thereafter, move a joint application for grant of divorce by mutual consent. On the passing of the decree for divorce, the amount deposited in this Court shall be released to Neeti without any delay.

....3/-

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In the meantime, the parties shall continue to discharge their respective obligations enumerated in the agreement.

Let the case shall be listed in the Lok Adalat to be held after 1st March, 2010.

[ R.M. LODHA,J. ]

[ D.K. JAIN,J. ]