

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION
CIVIL APPEAL No(s).9331 OF 2022
(Arising out of SLP (C) No. 1107 of 2021)

Susanta Saha

...Appellant (s)

VERSUS

Sumita Saha Majumdar

...Respondent(s)

ORDER

Leave granted.

(2) This appeal arises out of the order dated 17.03.2020 passed by the Division Bench of the High Court of Calcutta in FA No.48 of 2017 by which the High Court dismissed the appeal filed by the appellant-husband.

(3) On the request of learned counsel for the parties, on 13th May, 2022, the matter was referred to the Supreme Court Mediation Centre to explore the possibility of an amicable settlement of the dispute between the parties. In the mediation, the matter was amicably settled between the parties and the Mediation Centre has sent a Settlement Agreement/Deed dated 13th October, 2022 duly signed by both the parties and their respective learned advocates containing the terms and conditions governing the settlement. In terms of the Settlement Agreement, the appellant-husband has agreed to pay a total sum of Rs.19,00,000/- (Rupees Nineteen Lakhs only) to the

respondent-wife as full and final settlement towards her maintenance. Out of the total amount of Rs.19,00,000/-, the appellant-husband has paid a sum of Rs.50,000/- by online transfer/internet banking and Rs.4,50,000/- paid through NEFT. As per the Settlement Agreement, the remaining amount of Rupees Rs.14,00,000/- shall be paid by the appellant-husband to the respondent-wife through demand draft on the date on which the decree of Divorce on mutual consent shall be granted by this Court.

(4) An application has been filed by both the parties and pray for invoking our jurisdiction under Article 142 of the Constitution of India and seek dissolution of their marriage by granting a decree of divorce by mutual consent.

(5) Having regard to the amicable settlement arrived at between the parties, the marriage between the appellant-Susanta Saha (husband) and the respondent-Sumita Saha Majumdar (wife) stands dissolved by way of decree of divorce by mutual consent. The Settlement Agreement dated 13th October, 2022 shall form part of this order.

(6) The demand draft no.238851 of State Bank of India dated 09.12.2022 of the balance amount of Rupees Rs.14,00,000/- is paid today by the appellant-husband to the respondent-wife in the Court.

(7) Any other case filed by the parties against each other shall stand quashed.

(8) The impugned order of the High Court is set aside. With the above modification, the civil appeal is, accordingly, allowed. There shall be no order as to costs.

(9) The parties shall abide by the terms and conditions as contained in the Settlement Agreement dated 13th October, 2022 without fail.

(10) Pending applications, if any, shall also stand disposed of.

.....J.
[S. ABDUL NAZEER]

.....J.
[HIMA KOHLI]

**New Delhi;
December 15, 2022.**

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

Petition(s) for Special Leave to Appeal (C) No(s). 1107/2021

(Arising out of impugned final judgment and order dated 17-03-2020 in FA No. 48/2017 passed by the High Court at Calcutta)

SUSANTA SAHA

Petitioner(s)

VERSUS

SUMITA SAHA MAJUMDAR

Respondent(s)

(Mediation report has been received in the matter.

IA No. 160554/2022 - APPLN. UNDER SEC 142 OF THE CONSTITUTION R/W SEC 13B OF H.M.A.

IA No. 6727/2021 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 6725/2021 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 6726/2021 - EXEMPTION FROM FILING O.T.

IA No. 6728/2021 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 15-12-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. ABDUL NAZEER

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Ms. Anwasha Saha, AOR

For Respondent(s) Mr. Abhijeet Chatterjee, Adv.
Mr. Subodh K.Pathak Adv.
Mr. Shashi Ranjan, Adv.
Mr. Pawan K.Sharma, Adv.
Mr. Dharmendra Kumar Sinha, AOR
Mr. V.Elangovan, Adv.

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

Leave granted.

The appeal is allowed in terms of the signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS

(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file.)