

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. NO. 11426 OF 2022

IN

TRANSFER PETITION (CIVIL) NO.91 OF 2020

DIVYA KARANSINH JAGJITSINH SANDHU

Petitioner

VERSUS

KARANSINH JAGJITSINH SANDHU

Respondent

O R D E R

Transfer Petition(Civil) No. 91/2020 alongwith I. A. No. 11426 of 2022.

Settlement agreement dated 25th November, 2021 is placed on record.

The learned counsel appearing for the parties stated that the exchange of articles as per the settlement agreement has taken place. Two demand drafts in the sum of Rs. 5,00,000/- (Rupees five lakhs only) each have been taken by the respondent-husband in the name of petitioner-wife. The learned counsel appearing for the respondent-husband states that the demand drafts have been issued on 24th March, 2022 and 3rd December, 2021 respectively. Photocopies thereof have been placed on record. The learned counsel appearing for the respondent stated that the first demand draft will be handed over to the learned Counsel appearing for the petitioner during the course of the day. She states that the respondent is

giving an undertaking to get the demand draft dated 3rd December, 2021 revalidated within a period of two weeks from today. The learned counsel appearing for petitioner-wife, on instructions of the wife states that she has no objection if time of two weeks is granted to the respondent-husband for that purpose.

Both the parties agree that they will file necessary proceedings in the concerned High Courts' for quashing the proceedings mentioned in clauses (a) and (b) of Paragraph 3 of the settlement agreement. They, however, submitted necessary directions be issued for passing a decree of divorce in terms of the settlement.

In view of these submissions, I dispose of the transfer petition by passing following order:

- (I) The demand draft dated 24th March, 2022 in the sum of Rs. 5,00,000/- (Rupees Five lakhs) be handed over to the petitioner during the course of the day. Either a fresh demand draft will be taken in the sum of Rs.5,00,000/- (Rupees Five Lakhs only) by the respondent or the respondent will get the demand draft dated 3rd December, 2021 revalidated within a period of two weeks from today and the same shall be handed over to the petitioner. An undertaking to that effect of the respondent-husband is recorded and is taken on record;
- (ii) Undertaking of both the parties to get the proceedings mentioned in clauses (a) and (b) of paragraph 3 of the settlement agreement quashed is taken on record;
- (iii) I direct the parties to appear before the Additional Family Judge, Ahmedabad in divorce Case bearing H.M.P. No. 2164 of

2019 on 11th April, 2022 at 11:00 am. The Additional Family Judge shall make necessary provision for allowing the parties appear through video conference by providing a link in advance. The learned Additional Family Judge, Ahmedabad will take on record a copy of the settlement agreement. By converting the pending divorce petition bearing H.M.P No. 2164 of 2019 into a petition under Section 13(B) of the Hindu Marriage Act, 1955, he shall immediately pass a decree of divorce on the very day. As the statutory cooling period is duly over, there is no impediment in the way of passing a decree. The terms of the settlement agreement shall be incorporated in the decree; and

(iv) A copy of this order shall be immediately forwarded to the learned Addl. Family Judge's Court, Ahmedabad, Gujarat to enable him to take immediate steps;

(v) Transfer Petition and I.A. are disposed of in above terms.

.....J.
[ABHAY S. OKA]

NEW DELHI;
1st APRIL, 2022

ITEM NO.1601

COURT NO. 3
(HEARING THROUGH VIDEO CONFERENCING)

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No. 91/2020

DIVYA KARANSINH JAGJITSINH SANDHU

Petitioner

VERSUS

KARANSINH JAGJITSINH SANDHU

Respondent

(IA No. 11426/2022 - APPLICATION FOR SETTLEMENT)

Date : 01-04-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Ms. Shashi Kiran, AOR

For Respondent(s) Mrs. Rekha Pandey, AOR
Mr. Raghav Pandey, Adv.

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

The Transfer Petition stands disposed of in terms of the
signed order.

Pending application(s), if any, also stand disposed of.

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(ANAND PRAKASH)
BRANCH OFFICER

(Signed order is placed in the file)