

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 599/2022

NOOPUR AGARWAL

Petitioner(s)

VERSUS

PAWAN GULGULIA

Respondent(s)

O R D E R

The Petitioner is the wife while the Respondent is her husband. The Petitioner has filed the present transfer petition under Section 25 of the Code of Civil Procedure, 1908, seeking the following reliefs:

- a) Transfer Matrimonial Suit No.85 of 2020 titled as '*Pawan Gulgulia Vs. Noopur Agarwal*' pending before the Ld. 5th Addl. District Judge at Barasat, North 24 Pargana, West Bengal to Family Court, Dindoshi, Mumbai.
- b) Pass such other Order or Orders that this Hon'ble Court may deem fit and proper in the facts and circumstances of the present case."

During the pendency of this matter before this Court, the parties were referred to the Supreme Court Mediation Centre in order to explore the possibility of a settlement between them. Learned counsel for the respective parties submitted that parties have arrived at a settlement and the terms of the settlement have been crystallized in the form of the Settlement Agreement dated

03.03.2023 which has been filed before this Court. They also submitted that the Settlement Agreement has been signed by the respective parties and the parties would abide by the said terms.

Learned counsel for the respective parties also submitted that an application has been filed under Article 142 of the Constitution and therefore, the marriage between the parties may be dissolved in terms of the settlement arrived at between the parties.

Having regard to the submissions made by the learned counsel for the respective parties, we have perused and taken on record the Settlement Agreement.

Learned counsel for the Petitioner submitted that the respondent has already made payment of Rs.25,00,000/- (Rupees Twenty Five lakhs only), the receipt of which has been acknowledged by the petitioner.

Learned counsel for the respective parties submitted that the cases pending before respective courts may be quashed and disposed of in terms of paragraph 5 of the Settlement Agreement, although it has been stated therein that the said cases shall be withdrawn. We record the submissions made by the learned counsel for the respective parties.

We have perused the terms of the settlement and we find that they are lawful and there is no legal impediment in accepting the same. The terms of the Settlement Agreement shall be read as part and parcel of this order.

In the circumstances, by exercising power under Article 142 of the Constitution, the marriage between the parties is dissolved by a decree of divorce by mutual consent.

Consequently, the Transfer Petition stands disposed of.

The Registry is directed to draw up a decree in the aforesaid terms.

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

.....J.
(B.V. NAGARATHNA)

.....J.
(PANKAJ MITHAL)

NEW DELHI;
MAY 12, 2023

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(s). 599/2022

NOOPUR AGARWAL

Petitioner(s)

VERSUS

PAWAN GULGULIA

Respondent(s)

(Mediation report received.

IA No. 37899/2022 - EX-PARTE STAY

IA No. 37900/2022 - EXEMPTION FROM FILING O.T.)

Date : 12-05-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

HON'BLE MR. JUSTICE PANKAJ MITHAL

For Petitioner(s) Mr. Aruneshwar Gupta, Sr. Adv.
Mr. Varun Dewan, Adv.
Mr. Himanshu Chaturvedi, Adv.
Mr. Abhishek Sharma, Adv.
Mr. Samant Singh, Adv.
Mr. Rajeev Singh, AOR

For Respondent(s) Mr. Soumya Dutta, AOR

UPON hearing the counsel the Court made the following
O R D E RThe Transfer Petition is disposed of in terms of the signed
order.

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

(RADHA SHARMA)
COURT MASTER (SH)(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)