

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S) (CIVIL) NO(S). 545 of 2022

SUNIT FRANCIS TOPPO

...PETITIONER(S)

VERSUS

SUCHISMITA TOPPO @ DR. SUCHISMITA BARA

...RESPONDENT(S)

O R D E R

We have heard learned counsel for the parties.

This transfer petition has been filed under Section 25 of the Code of Civil Procedure, 1908 seeking the following reliefs:

- “(a) Transfer the divorce petition bearing Original Suit/MTS No.345/2020 titled “Dr. Suchismita Toppo @ Dr. Suchismita Bara Versus Sunit Francis Toppo” pending in the Court of Ld. Principal Family Court, Civil Court, Ranchi, Jharkhand, to the Competent Jurisdiction at Learned Principal Judge, Family Court, Shahadara at Karkardooma Court Delhi; and
- (b) Pass such other and further order, as this Hon’ble Court may deem fit and proper in this case.”

The petitioner is the husband while the respondent is the wife.

During the pendency of this petition, 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 have submitted that the parties have agreed to settle their disputes and have arrived at an amicable settlement agreement on 12.04.2023, a copy of which has been filed. They further submitted that the terms delineated in the Settlement Agreement dated 12.04.2023 shall be complied by the respective parties.

Learned counsel for the petitioner also submitted that an application (I.A. NO.94729 of 2023) has been filed under Article 142 of the Constitution of India seeking dissolution of marriage by a decree of divorce by mutual consent in terms of the settlement arrived at between the parties vide Settlement Agreement dated 12.04.2023.

Both the parties, who are present in the Court in-person, have also stated that they have indeed arrived at an amicable settlement and their marriage may be dissolved by a decree of divorce by mutual consent.

We have taken on record the Settlement Agreement dated 12.04.2023 as well as the application (I.A. NO.94729 of 2023) filed under Article 142 of the Constitution of India. Although, the said application has been filed by the petitioner-husband, the respondent-wife categorically stated that she has no objection for the dissolution of their marriage being granted and the same is also delineated in the Settlement Agreement.

In the aforesaid circumstances, we have perused the Settlement Agreement dated 12.04.2023 and the clauses

referred to therein.

At this stage, learned counsel for the respective counsel submitted that the parties seek a modification with regard to the days on which the petitioner-husband could exercise his visitation rights to meet the minor children. Learned counsel for the parties jointly submitted at the Bar that instead of second and fourth Saturdays, it could be done as second and fourth Sundays of every month. Learned counsel for the parties further submitted that the respondent-mother who has the custody of the minor children will have to ensure that the children are dropped at Vishal Mega Mart, Shahadara, Delhi, on the second and fourth Sundays between 03:00 p.m. and 05:00 p.m. so that the petitioner-husband could have the company of the minor children during the said time and thereafter both the minor children shall be handed over to the respondent-mother at the same venue.

It has been further submitted by learned counsel for the parties that the cases pending between the parties may be quashed, as agreed to in the Settlement Agreement dated 12.04.2023.

The parties are agreeable to the terms of the said Settlement and have stated that they would abide by the same.

On perusal of the terms of the Settlement dated 12.04.2023, we find that they are lawful and there is no legal impediment in accepting the same. In view of above,

we accept the said terms of the Settlement dated 12.04.2023. Consequently, the terms of the Settlement Agreement dated 12.04.2023 shall be made as part and parcel of this Order. The cases filed by the parties against each other, as enumerated in the Settlement Agreement, stand quashed including FIR NO.278 of 2020 lodged in Police Station Sukhdeo Nagar (Pandra OP), Ranchi, Jharkhand, by the respondent-wife against the petitioner-husband.

Further, marriage between the parties stands dissolved by a decree of divorce by mutual consent.

In the result, the transfer petition is disposed of in the aforesaid terms.

The Registry is directed to draw a decree in terms of the order passed by this Court.

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

.....J
(K.M. JOSEPH)

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

NEW DELHI
MAY 08, 2023.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSTransfer Petition(s)(Civil) No(s). 545/2022

SUNIT FRANCIS TOPPO

Petitioner(s)

VERSUS

SUCHISMITA TOPPO @ DR. SUCHISMITA BARA

Respondent(s)

(Settlement Agreement dated 12.04.2023 received.

IA No. 94729/2023 - APPLN. UNDER SEC 142 OF THE CONSTITUTION R/W
SEC 13B OF H.M.A.; IA No. 34239/2022 - EX-PARTE STAY)

Date : 08-05-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Petitioner(s) Mr. Praneet Pranav, Adv.
Mr. Rahul Kumar, Adv.
Mr. Sameer Singh, Adv.
Ms. Neelam Singh, AORFor Respondent(s) Mr. Shashank Shekar, Adv.
Mr. Md. Ali, AORUPON hearing the counsel the Court made the following
O R D E R

In terms of the signed order, the transfer petition is disposed of. Settlement Agreement dated 12.04.2023 shall be made as part and parcel of this Order and the Registry is directed to draw a decree in terms of the order passed by this Court.

(MAHABIR SINGH)
ASTT. REGISTRAR-cum-PS(RENU KAPOOR)
ASSISTANT REGISTRAR

(Signed order is placed on the file)