

SUPREME COURT OF INDIA

Bench: Justice Sanjay Kishan Kaul and Justice Sudhanshu Dhulia

Date of Decision: SEPTEMBER 22, 2023

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1735/2022

GARVITA TAMRAKAR ..PETITIONER(S)

VERSUS

ABHISHEK SINGH ..RESPONDENT(S)

Sections, Acts, Rules, and Articles:

Article 142 of the Constitution of India

Subject: Mutual Consent Divorce, Irretrievable breakdown of marriage, Quashing of criminal and civil proceedings, Settlement between parties, Payment of Rs. 20 lakhs to the petitioner/wife, return of passport and other documents, Appreciation of parties' approach to resolve the dispute.

Headnotes:

Family Law – Mutual Consent Divorce – Irretrievable breakdown of marriage – Exercise of jurisdiction under Article 142 of the Constitution – Dissolution of marriage – Quashing of criminal and civil proceedings – Settlement between parties – Payment of Rs. 20 lakhs to the petitioner/wife – Return of passport and other documents – Appreciation of parties' approach to resolve the dispute – Decree of divorce to be released upon full payment of agreed amount – Transfer petition disposed of.

Decree of Divorce: The decree of divorce would be drawn up and released to the respondent only after the full settlement amount had been paid, and proof thereof had been filed in the Court.

Referred Cases:

Shilpa Sailesh vs. Varun Sreenivasan, T.P.(Civil) 1118/2014, decided on 01.02.2023 and connected matters, 2023(6) SCALE 402.

ORDER

The marriage inter se the parties was solemnized on 25.01.2019 in accordance with Hindu Rites. It was an arranged marriage. The marriage was solemnized at Lucknow and was registered at Lucknow on 12.02.2019. Prior to the marriage, both the parties to the marriage were bank employees and were working in a nationalized Bank in different branches. It appears that almost from the very inception of marriage, the marriage did not work out *inter se* the parties and the family members with usual allegations and counter allegations. It is stated that the parties last resided together as husband and wife in 2019 in Gujarat.

The parties are present before us and it is agreed by the parties that they seek mutual consent divorce on account of irretrievable break down of marriage.

We are thus inclined to exercise jurisdiction under Article 142 of the Constitution of India and we find no impediment in the same, more so, in

view of the judicial pronouncement of the Constitution Bench judgment of this Court in the case of *Shilpa Sailesh vs. Varun Sreenivasan*, T.P.(Civil) 1118/2014, decided on 01.02.2023 and connected matters, 2023(6) SCALE 402.

In view of the aforesaid, while exercising jurisdiction under Article 142 of the Constitution of India, we dissolve the marriage between the parties. All the criminal proceedings shall stand quashed and all the civil proceedings and all complaints *inter se* the parties shall stand withdrawn. The list of cases are as under :

- 1) RCT No. 1663/2021, pending before the District and Sessions Court, Chattarpur.
- 2) MCRC No. 665/2022 pending before the High Court of Madhya Pradesh.
- 3) HMA No. 3437/2021 pending before the Court of Principal Judge, Family court, Lucknow, Uttar Pradesh.

The parties are agreed that the respondent/husband shall pay to the petitioner/wife, a sum of Rs. 20 lakhs in full and final settlement of all her claims towards expenses of marriage ceremony, stridhan, furniture etc. A sum of Rs. 5 lakhs shall be paid within one week and the balance amount shall be paid within a maximum period of three months from today.

The grievance has been made that passport and other documents of the petitioner are lying in the premises of the respondent. The respondent has brought the passport and that will be handed over during the course of the day in the presence of the counsels. Insofar as other documents are concerned, there seems to be contradiction on the issue. Be that as it may, the respondent will look into the place where they are stated to be kept and

if any documents are found there, the same shall be returned to the petitioner within a week.

We appreciate the approach adopted by the parties and the counsels to bring this dispute to an end, enabling the parties to lead their own life instead of battling endlessly.

The decree of divorce be accordingly drawn up, which will be released to the respondent only after the full amount has been paid and proof thereof filed in the Court.

The transfer petition stands disposed of accordingly.

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