

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No(s). 1910/2021

SHREYA

Petitioner(s)

VERSUS

KISHLAY KISHAN

Respondent(s)

O R D E R

This Transfer Petition has been filed under Section 25 of the Code of Civil Procedure 1908, seeking transfer of the Matrimonial Case No. 246/2021, titled as "*Mr. Kishlay Kishan Vs. Mrs Shreya*" pending on the file of the Court of 2nd Additional Principal Judge, Family Court at Durg, Chattisgarh to the competent Court at District Muzaffarpur, Bihar.

Learned counsel for the petitioner-wife as well as the respondent-husband, who has appeared in-person along with the petitioner-wife, submitted in unison that there has been a settlement of the disputes between the parties and the Supreme Court Mediation Center has filed a Settlement Agreement before this Court.

Therefore, the parties have jointly submitted that the Transfer Petition No. 1910/2021 may be disposed of in

terms of the settlement arrived at between the parties.

As already noted, the respondent-husband along with the petitioner-wife has appeared virtually and when queried by this Court, they have submitted in unison that there is indeed a settlement between the parties and they have resolved to live together as husband and wife and have also resolved to withdraw all cases filed by them against each other.

They stated jointly that this Transfer Petition may be accordingly, disposed of.

On perusal of the Settlement Agreement dated 22nd April, 2022, it is noted that the parties have resolved to cohabit together. Consequently,

- a) Matrimonial Case No. 246/2021, filed by the respondent-husband against the petitioner-wife under Section 9 of the Hindu Marriage Act, 1955 for the restitution of the Conjugal Rights and pending on file of the 2nd Additional Principal Judge, Family Court at Durg, Chattisgarh, is rendered infructuous;
- b) Criminal Case No. 586/2021 filed by the petitioner-wife against the respondent-husband under Section 498(A), 323, 406 of IPC and Section 3 of the Dowry Prohibition Act pending in the Court of Ld. Addl. Chief Judicial Magistrate-1, East, Muzaffarpur,

Bihar stand quashed in exercise of power under Article 142 of the Constitution of India.

c) Maintenance Case No. 179/2020 filed by the petitioner-wife against the respondent-husband under Section 125 of the Criminal Procedure Code pending on the file of the Principal Judge, Family Court, Muzaffarpur, Bihar stands quashed in exercise of power under Article 142 of the Constitution of India.

On perusal of the Settlement Agreement, I find that the terms of the Settlement Agreement are lawful and there is no legal impediment in accepting the same.

Consequently, the Transfer Petition (Civil) No. 1910/2021 is disposed of in terms of the Settlement Agreement arrived at between the parties and in the aforesaid terms.

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

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

New Delhi
17th May, 2022

ITEM NO.1615

COURT NO.11

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

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(MEDIATION REPORT ALONGWITH SETTLEMENT AGREEMENT RECEIVED

IA No. 138273/2021 - EX-PARTE STAY

IA No. 57680/2022 - EXEMPTION FROM FILING O.T.

IA No. 138274/2021 - EXEMPTION FROM FILING O.T.

IA No. 11831/2022 - PERMISSION TO APPEAR AND ARGUE IN PERSON)

Date : 17-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Subodh Kr. Pathak, Adv.
Mr. Pawan Kr. Sharma, Adv.
Ms. Shashi Ranjan, Adv.
Mr. Dharmendra Kumar Sinha, AOR

For Respondent(s) Mr. Kishlay Kishan
(Respondent-in-person)

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

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

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

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(signed order is placed on the file)

(PREETHI T.C.)
COURT MASTER (NSH)