

Shyamo Devi @ Shyamo Rani vs Mamta on 6 January, 2020

Bench: N.V. Ramana, Aniruddha Bose, V. Ramasubramanian

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IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) No. 275 OF 2017

SHYAMO DEVI @ SHYAMO RANI

VERSUS

MAMTA & ORS.

O R D E R

This is a transfer petition at the instance of the mother

-in-law of respondent No.1-wife seeking transfer of Complaint Case No.1424/2012, titled as Smt. Mamta vs. Trilok Singh & Ors, pending trial in the Court of A.C.J.M.-III, Gautam Budh Nagar, Uttar Pradesh to the competent Court of Roorkee, Uttarakhand.

When the matter was taken up for hearing on 09.08.2019, learned counsel for the parties submitted that their clients were inclined to explore the possibility of an amicable settlement of the dispute if the matter was referred to the Supreme Court Mediation Centre. Accordingly, the parties were directed to appear before the Supreme Court Mediation Centre on 14.08.2019 at 03.00 P.M. Pursuant to the said order, Mediation Report has been Reason:

received from the Supreme Court Mediation Centre along with Settlement Agreement dated 27.08.2019 according to which the parties have entered into a final settlement/agreement on the terms and conditions set out therein. It has also been prayed therein to this Court to exercise its power under Article 142 of the Constitution to grant Decree of Divorce by mutual consent.

Crl.M.P.No.881 of 2020 has been filed by respondent Nos.1 and 2 praying for grant of divorce by mutual consent between the said respondents by invoking jurisdiction under Article 142 of the Constitution.

In terms of the Settlement Agreement dated 27.08.2019, counsel for respondent No.2-husband has handed over a Demand Draft of Rs.40,000/- (Rupees forty thousand only) bearing No.324321, dated 10.10.2019, drawn on the State Bank of India, to the counsel for respondent No.1-wife today in the Court.

Heard learned counsel for the parties and carefully scrutinised the record. The parties are also personally present before this Court today.

It has been submitted by the learned counsel for the respondents that respondent No.2 has been suffering from permanent (50%) Chronic Schizophrenia and has been on treatment since October, 2012.

Having heard learned counsel for the parties and taking into consideration the fact that respondent Nos.1 and 2 are living separately for the last 11 years, we are of the view that it is a fit case to invoke our jurisdiction under Article 142 of the Constitution of India and grant a decree of divorce by mutual consent in terms of the Settlement Agreement dated 27.08.2019, as the marriage between the parties has irretrievably broken down and it is not possible for the parties to unite.

In view of the above, we have no other option but to allow Crl.M.P.No.881 of 2020 in terms of the prayer made by the parties by invoking our jurisdiction under Article 142 of the Constitution of India. Accordingly, the application is allowed and a decree of divorce by mutual consent between respondent Nos.1 and 2 is passed by invoking our jurisdiction under Article 142 of the Constitution. The terms of Settlement Agreement dated 27.08.2019 shall form part of the decree.

The transfer petition is disposed of in terms of the Settlement Agreement dated 27.08.2019.

The parties are directed to abide by the terms of Settlement Agreement dated 27.08.2019 in its letter and spirit.

.....J. (N.V.RAMANA)J. (ANIRUDDHA BOSE)
.....J. (V. RAMASUBRAMANIAN) NEW DELHI;

JANUARY 06, 2020.

ITEM NO.27

COURT NO.2

SECTION XVI-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Transfer Petition(s)(Criminal) No(s).275/2017 SHYAMO DEVI @ SHYAMO RANI
Petitioner(s) VERSUS MAMTA & ORS. Respondent(s) Date : 06-01-2020 This
petition was called on for hearing today. CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA HON'BLE MR. JUSTICE ANIRUDDHA
BOSE HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN For Petitioner(s) Mr.
Mohit K. Gupta, Adv.

Ms. Manju Jetley, AOR For Respondent(s) Mrs. Surbhi Kapoor, Adv.

Mr. Sarthak Mehrotra, Adv.

Ms. Mamta, respondent No.1 (in person) Mr. Abhay Anand Jena, AOR Ms. Rifa
Saleem, Adv.

Ms. K. R. Chitra, AOR UPON hearing the counsel the Court made the following O R D
E R The transfer petition is disposed of in terms of the Settlement Agreement dated
27.08.2019.

The parties are directed to abide by the terms of Settlement Agreement dated
27.08.2019 in its letter and spirit.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)