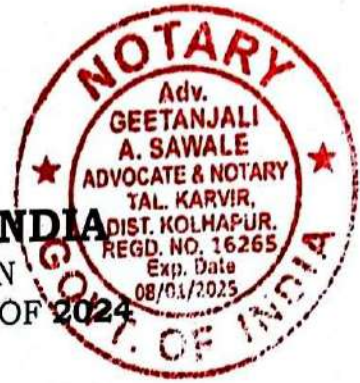


VAKALATNAMA
IN THE SUPREME COURT OF INDIA
 CIVIL ORIGINAL JURISDICTION
 TRANSFER PETITION (CIVIL) NO. OF 2024

**IN THE MATTER**

Chanak Manish Agarwal

...PETITIONER/S

V/s

Diwaker Bagri

....RESPONDENT/S

AFFIDAVIT

I, Chanak Manish Agarwal, Age 24 yrs. Occupation: housewife, R/o F-4 Aarith Apartment, Karande Mala, Behind Circuit House, Kolhapur, Maharashtra, do hereby solemnly affirm and state as follows:

1. I say that I am one of the petitioners in the above-mentioned Transfer Petition. I say that I am conversant with the facts of the present case and as such I am able to depose thereto on behalf of Petitioners.
2. I say that I have read the contents of accompanying Transfer Petition at paragraphs 1 to ²¹ at page 1 to 22 and the synopsis and list of dates at pages B to R and the I.A.s and the same are true to my own knowledge and belief.
3. I say that the documents as Annexure P/1 to P/ 6 annexed to the TP are true copies of their respective originals and are part of the record of the courts below.
4. I say that the petitioner has not filed any other petition against the order impugned herein. I have understood the contents of the petition in my mother tongue and for that I am putting my signature hereinbelow.

Chanak

DEPONENT

VERIFICATION

Verified at Kolhapur dated this 19th of July, 2024 that the contents of this affidavit are true and correct to the best of my knowledge and belief and nothing has been concealed there from.

...LEMNLY affirmed before me
 by *Chanak Agarwal*

Chanak
 DEPONENT

Who is identified before me
 by Aadhar card
 by 871209407198
 Whom I personally know

Dt. 19/07/2024

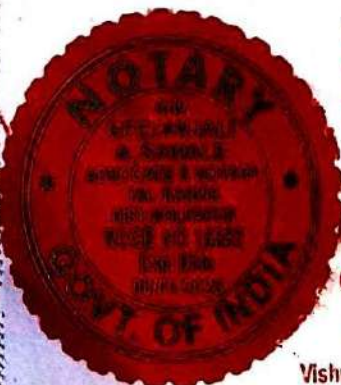
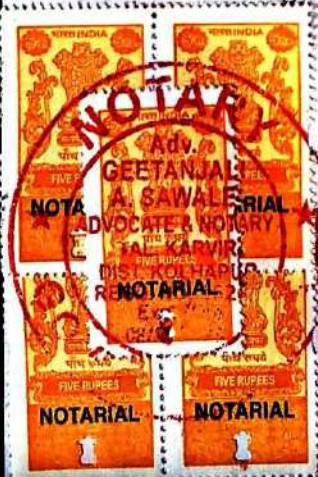
This 19 day of 07 2024

Notary Regi. Sr. No. 1819

19/07/24.

GEETANJALI A. SAWALE
 Advocate & Notary

R.S.No. 820/2, Plot No. 11, E Ward,
 Vishwasai Heights, 3rd floor, Sahajivanparisar
 Karandemala, Kasaba Bavada, Kolhapur.



IN THE COURT OF THE HON'BLE PRINCIPAL FAMILY JUDGE**AT BENGALURU****M.C. NO. 947 OF 2024****BETWEEN:**

DIWAKER BAGRI
 S/o Late Ramesh Kumar Bagri,
 Aged about 26 years,
 Residing at:
 Siri Splendour, 4th cross Rd,
 Hanumagiri, Naidu Layout,
 Chikkalasandra, Bengaluru 560061

.....PETITIONER

AND:

CHANAK MANISH AGARWAL
 W/o Diwaker Bagri,
 Aged about 23 years
 Residing at F-4, Aarith apartment,
 Karande Mala, behind circuit, Kolhapur

.... RESPONDENT

**MEMORANDUM OF PETITION UNDER SECTION 10 READ WITH
SECTION 13(1)(ia) OF THE HINDU MARRIAGE ACT, 1955**

The Petitioner above named respectfully submits as follows:

1. The address of the Petitioner for the purpose of notices, Court summons, etc is as shown in the cause titled above. The Petitioner may also be served to the care of its counsel at No.4913, 10th Floor, High Point IV, Palace Road, High Grounds, Sampangi Rama Nagar, Bangalore - 560001.
2. The Petitioner has filed this petition for a decree of Judicial Separation between the Petitioner with Respondent in respect of wedding solemnized on 28.11.2023 at Mahanrani Lawn, 240/B, General Thorat Marg, E Ward, Tarabai Park, Kolhapur, Maharashtra 416003 under the Hindu Marriage Act, 1955 on the ground of cruelty due to which the Petitioner is unable to live with the Respondent.
3. The Petitioner and the Respondent are both Hindus and are governed under the Hindu Marriage Act, 1955. The Petitioner and

11. The Respondent started showing her true nature and traits immediately after marriage. The Respondent started inflicting mental, physical and emotional cruelty on the Petitioner and his mother (Smt.Sangita Bagri) from day one of the marriage which no reasonable person could have endured. The conduct of the Respondent with the Petitioner was alcoholic, aggressive, egoistic, rude, moody, displaying bouts of anger in every situation, and constantly nagging and display insecurity at every stage during the course of their relationship amounting to physical, mental and financial cruelty against the Petitioner. The Respondent had no emotion or love for the Petitioner and his family members.

12. The Respondent had asked the Petitioner to purchase mangalsutra for the wedding. The Respondent had indicated that she wanted an infinity shaped mangalsutra. The Petitioner bought mangalsutra of a different shape and design as the one Respondent wanted was very expensive and going above the budget of the Petitioner. The very next day of the wedding the Respondent created a huge ruckus and fought the entire night with the Petitioner for not buying the mangalsutra she wanted. The Respondent did not care that it was their first night after marriage and that there were guests at home. The Respondent insulted the Petitioner by calling him names and hurling abuses and using unparliamentary language for not buying the mangalsutra of her choice, despite knowing the financial position of the Petitioner.

13. As stated *supra*, the Petitioner's mother had shifted from Chennai to Bangalore permanently to reside with her son and the Petitioner was very emotionally attached to his mother. Despite knowing the said fact, to the shock and surprise of the Petitioner, on the 5th day after marriage, the Respondent demanded the Petitioner to find a separate residence for his mother. The Respondent did not want the Petitioner's mother to stay with them. This came as a huge shock for the Petitioner as the Respondent had never made such a demand before marriage despite dating him for about a year. The Petitioner outrightly

her stay the Petitioner and his mother did their best to make her feel comfortable, but the Respondent and the Respondent's mother would create a hostile environment by taunting the Petitioner's mother in the absence of the Petitioner. The Petitioner's mother, being an elderly widow, was left helpless in such situations and could not respond to their insulting remarks. The Respondent and her mother would constantly try to make the Petitioner's mother feel like she was a burden on them.

18. Thereafter, the Petitioner and Respondent had travelled to Shahjahanpur, Meerut, Manali and New Delhi for their honeymoon between 18.12.2023 to 03.01.2024. During their travel, the Respondent's own maternal grandmother passed away on 28.12.2023. Having regard to the said fact, the Petitioner decided not to go out and stay in hotel as the Respondent had informed the Petitioner that she was very close to her grandmother. However, instead of mourning of the demise of her grandmother, the Respondent coerced the Petitioner to go to club for partying and drinking alcohol the next day of grandmother's demise and posted the stories of her partying on social media site like Instagram. This clearly shows that the Respondent indulged in alcohol abuse on a regular basis. The extent of her alcohol abuse and addiction was such that even on the next day when her grandmother passed away, she took off to indulge in drinking.
19. Due to the reckless and irresponsible lifestyle of the Respondent, who was a heavy drinker, the marriage between the Petitioner and the Respondent started suffering. On a regular basis, the Respondent started going out drinking and would come back home late in the night. She would wake up late after her partying spree and had no sense of responsibility towards her household responsibilities or her family. The Petitioner's elderly and ailing mother was compelled to take care of the house and the family all by herself. Despite not lending a helping hand in take care of the house, the Respondent expected her elderly and ailing mother-in-law to run the house only as per the wishes of the Respondent only. If any of the wishes of the Respondent were

about his whereabouts. On occasions when the Petitioner could not pick up the phone call on account of being occupied with something important, she would hysterically call him continuously until he picked up the call and fight with him for not picking up the call at the very first ring. She had the same obsessive and controlling behaviour with her mother-in-law as well.

26. The Respondent would very often threaten to leave the matrimonial home and even to commit suicide for any and every disagreement. On some instances she even left the house and went to her sister's house over small tiffs. On every occasion the Petitioner would go and pacify her and placate her with a lot of love and affection and bring her back. The Respondent's sister would often call up the Petitioner and say that the Respondent is attempting to commit suicide and would ask him to follow all her demands.
27. As things stood thus, on the eve of Shiv Ratri on 07.03.2024, on the pretext of dressing up for the puja, the Respondent demanded diamond bangles which were gifted to her by the Petitioner's mother, which were kept in the family safe. She said that she was going to keep a fast. The Petitioner provided her with her bangles of choice but she got furious and said that she wanted a different set of bangles which were of gold. When the Petitioner's mother started looking for the gold bangles, she realized that they were missing. While the Petitioner and his mother were disturbed and surprised by the fact that jewelry had gone missing from the safe, the Respondent started insulting them by saying that they were stingy and did not provide her with adequate amount of jewelry during the wedding and picked up a huge fight with the Petitioner claiming that the Petitioner did not want her to wear the jewelry. The next day on Shiv Ratri, while claiming that she was going to fast, the Respondent ended up going to a club with her sister and got drunk. She came back to the house with her sister at 11:45 pm in the night in a drunken state. As it was the late hours of the night the door of the house

PRAYER

The Petitioner above named respectfully prays that this Hon'ble Court may be pleased to:

- (a) Pass a judgment and decree for the judicial separation of Petitioner and the Respondent in respect of their marriage solemnised on 28.11.2023, and registered on 16.12.2023; and
- (b) Grant such other relief/s, as this Hon'ble Court may deem fit, in the interest of justice and equity.

Place: Bengaluru

Date:

Petitioner

Advocate for Petitioner

VERIFICATION

I, Diwaker Bagri, the abovenamed Petitioner, do hereby solemnly affirm and verify on this the 15th day of April 2024 at Bangalore that the averments made from paragraph 1 to 42 above are true and correct to the best of my knowledge, information and belief and nothing material has been concealed therefrom.

Place: Bengaluru

Date: 15/04/2024

Petitioner



Adv. R. R. Kad-Deshmukh & Associates

Unit No. 103, Om Co-op. Hsg. Soc. Near Circuit House,

Kadamwadi Road, E-Ward, Kolhapur-416 003

Mob. 8888171234 E-mail : advrrkaddeshmukh@gmail.com

Ref. No.

Date : 17/05/2024

Notice R.P.A.D.

To,

Diwaker bagri

r/o : T8 and T9, Third floor, gem plaza, 66,

infantry road, tasker town, shivaji nagar,

Bengaluru, Karnataka - 560001

phn no. : 7010538319

subject : legal notice

Sir,

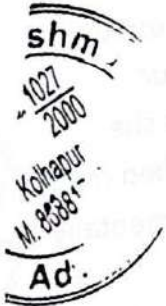
under instructions and on behalf of my Client Chanak Diwaker Bagri , residing at F 4, Aarith apartment, Karande mala, behind circuit house, Kolhapur-416003, I have to address you as under :

1. My client states that, you and her met on dating app named Hinge. You and her met for the first time on 16th December 2022 in bangalore. As you both were in love and started spending more time together; you both decided to get married by parents approval. In April 2023, you and your mother visited my client and insisted to think ahead and get married soon. Then my client's parents came to stay at her place in may 2023, they met you and impressed by your nature.



2. In June 2023, you and my client arranged meeting of both families at a café and discussed about your wedding. After that on 29th June 2023 you both got engaged and got married on 28th November 2023 accordingly. My client states that, you and her tied knots on 28th November according to Hindu custom and traditions at Maharani Lawns, Kolhapur. All wedding expenses were on my client.
3. All the wedding functions were held happily and everyone enjoyed the function and post marriage rituals.
4. My client states that, on the wedding night, she got surprised as you and your family immediately started demanding whatever gifts and jewellery etc. your relatives gave to her on their post and pre marital rituals. My client's family members were also surprised to see this but all kept quiet and followed all the instructions without any arguments.
5. My client states that, on 7th December 2023, you and her went out for 2 days for a change before your birthday. There my client met her old friend but you started doubting and questioning her and started abusing her and used bad words. And then you got furious when she spoke to that friend in your presence. Though, you started creating a scene and broke her phone and slapped her unnecessarily. That time when my client confronted you and apologize without any fault and promised you to not to talk any male friend in the future, then only you got calm.
6. My client states that, days later, your mother started complaining regarding her and her schedule to you. And started giving bad words to her as her parents did not taught her any manners and all. Even though you just nodded your head and took you mothers side and warned my client that she has to live in your house according to your mothers will otherwise she will face consequences. Though my client stood calm as she wanted to have peaceful life with you.
7. My client states that, you both planned a holiday for nearly 15 days. When you both from your holidays, your mother started giving taunts again to her and that's why they both had a verbal argument. Due to which your elder sister came from Chennai and sorted out the matter. But that incident

13. The next morning, when my client informed her parents about the incident. Her parents came to visit you to sort out the things. But you asked them to meet at the café instead of your home which was very weird. In that meeting you and your family blamed my client only and pointed out everything that had happened from the beginning and concluded that things needed to be settle down and gave 15-20 days to rethink and discuss what needed to be done. Then your brother in law asked my client's father to sort out all misunderstandings and assured this will not be repeated.
14. During 16th march 2024 to 28th march 2024, everything was going well between you and your families. But when on 29th march 2024, my client's parents called your elder brother in law; he said, "I will call you later and let you know when are we picking your daughter to her husband's house". On 31st march 2024, you and your family asked my client's family to come Bangalore for meeting. When you all met there, you denied to take back her home as you wanted to broke all contact with her as you have decided to put an end to everything. Then my client denied to leave you as she wanted to live with you for her whole life and don't want to separate from you.
15. My client states that, she begged you to rethink your decision to relive together, but you deliberately and forcefully bought all luggage in tempo and forced her pick up the bags.
16. Later that incident, my client filed police complaint at Banashankari women's police station. The police handed over the notice to my client to hand over to you. When my client came to your house, she found that you had changed the house. My client tried calling you multiple times but did not responded to any call. But then you received the call from police and told them that you are not able to come today to collect notice, so you will collect that notice tomorrow. On next day my client and her father came for counseling as per informed by police incharge. At 11 30. But found out that there was nobody present from your side. Then police incharge from that station tried calling and asked you to come over there but you refused and ignored their call as well.
17. My client states that, You are very arrogant and egoistic person. Till date you have only harassed my client mentally, financially and physically in



everyone to lock that particular door so that no inconvenience happens to those who are outside. She knocked that door for 15 to 20 minutes when she came back to which your mother replied that she was taking bath at around 3-4 pm in the afternoon which is very odd according to my client. So my client informed you about this incident and told you that your mothers ill and aggressive behavior. Then you asked her to met at restaurant to clear our things

When my client met you at the address you sent, you was already drunk and started shouting as soon as my client came there. You started shouting and created a public nuisance and left my client all alone at night in that restaurant and went home. When my client came back home that wooden door was locked which was very suspicious for my client. When my client called you to open that door asked the reason behind locking that main door. You in heat of anger, slapped my client and pushed her out of the house asked her to leave your house immediately. And then your mother came in between and asked the same to leave the house as she wanted to remarry you with the women who will obey her and pushed my client out of the house. This is how you all have harassed my client mentally and physically.

My client states that, your mother didn't even stopped there, she started shouting and called the neighbours saying that my client attacked her which was false allegation and then called the police as well to create unnecessary scene at the night as your mother always wanted to get rid of my client. When police came, they also asked my client if she wanted to file complaint to which she denied as it is family matter and did not wanted to create scene. Even your mother threatened my client by saying that, "if you stayed here, I will give poison to my son and die myself". As it was all planned by you and your mother. You both gave her all her belongings and asked my client to return the engagement ring and mangalsutra along with all other things which was given by you in front of police, then and there only. And this is how you both thrown out my client out of the house that night and mentally harassed her.



S: NO. 08

Produced on behalf of

BPF / BPF / APP / RESP

Date: 22/06/2024

Kw

Diwakar Bagri (Chenak)

<Dial 18002666868> <Wear Masks,

भारतीय डाक



India Post

EM522108657IN IVR:6977522108657

SP KOLHAPUR H.O <416003>

Counter No:1,20/05/2024,14:10

To:DIWAKAR BAGRI, TASKER TOWN SHIV

PIN:560001, Bengaluru G.P.O.

From:ADV R R KAD, KADAMWADI ROAD E

Wt:26gms

Amt:41.30(Cash)Tax:6.30

<Track on www.indiapost.gov.in>

भारतीय डाक



India Post

41

Annexure P-4

To,
Honorable Police Officer,
Superintendent of Police,
Kasaba Bawada,
Kolhapur, Maharashtra

Subject: Complaint by Smt. Chanak Diwaker Bagri, residing at F-4, Aarith Apartment, Karande Mala, Behind Circuit House, Tarabai Park, Kolhapur.

Honorable Sir,

I, the complainant, got married to my husband, Mr. Diwaker Bagri, on November 28, 2023, at Maharani Lawns, Kolhapur, according to Hindu marriage laws and with the consent of both families. After our marriage, I moved to my husband's house in Bangalore, located in JP Nagar. However, on our wedding night, Diwaker and my mother-in-law began demanding gifts and ornaments, which were given to me by my parents. As it was our first day together, I ignored these requests, but the demands and abusive behavior continued.

On January 26, 2024, I traveled to Chennai with Diwaker to meet his nephew. During this trip, on January 28, 2024, while at a restaurant, Diwaker left me alone, pretending to receive a phone call. Despite repeated attempts by me and his niece to contact him, we received no response. When I finally reached him after half an hour, Diwaker responded abusively

8. Re: Para No.1 - In this para, your Client is imputing that the marriage proposal came from my Client's family and that my Client's family insisted on marriage. My Client states that though he wanted to get married to Chanak in due course of time, the pressure and proposal for marriage was from Chanak and her family. Chanak's family insisted on immediate marriage on the premise that her maternal and paternal grandmother was not keeping well, and they wanted their granddaughter married during their lifetime. Chanak had false informed my Client that she was close to her grandmother as she had gone to pub and partied on the next day of her maternal grandmother's death.
9. Re: Para No.2 - The event of engagement and wedding are admitted. However, it is false that the wedding expenses were completely incurred by your Client's family. My Client states that their wedding was a two-day affair. My Client and his family incurred all expenses for accommodation and travel of their family and guests for both the days of the wedding. The expenses for the first day of the wedding rituals and catering was incurred by my Client and the expenses for the second day's joint wedding rituals and catering was incurred by your Client's family. However, all the expenses pertaining exclusively to my Client was taken care by my Client on the second day also. Thus, the wedding expenses pertaining to the wedding were shared between the parties.
10. Re: Para No.3 - As stated supra, your Client's behavior was erratic, short-tempered and unstable as she continuously fought with my Client and found reasons to fight even though there was none. Your Client fought with my Client for two days just before the day of marriage as he could not receive her calls which he had henna on his hands for wedding ceremonies. No



56

PRADEEP DARAK
BBA.LL.B(HONS.)
Advocates & solicitors



#30, 3rd Floor, 4th Cross,
4th Block, Kumara Park West,
Opp. Jayashree Hospital,
Bengaluru-20.
Mob : 9036841647
E-mail: Pradeep.darak1992@gmail.com

necklace, she found that the gold bangles matching with the same necklace set were missing. Both my Client and his mother were tensed and upset about the missing the bangles. However, your Client was least concerned about the missing bangles and started shouting at my Client for not giving the necklace. Later that night, your Client also threatened to kill herself as my Client and his mother forgot to give her the necklace in the tensed situation due to missing bangles. As stated above, your Client threatened my Client of suicide on several occasions, and this was one such occasion. Your Client used the threats to have her demands fulfilled and your Client's sister also supported your Client in such endeavors.

19. Re: Para No.12 – The averments and allegations in this para are completely false and baseless. Your Client has twisted the facts of the unfortunate event which transpired on the night of 8th March 2024 to suit herself and deliberately created a false narrative to overcome her criminal actions of physically hurting and abusing an elderly woman and her husband. In fact, your Client is lying to such an extent that she has increased the period of marriage from 6 months to 10 months. The event which transpired on the night of 08th March 2024 and early hours of 9th March 2024 is that my Client had gone to his office, and your Client and her sister went for a movie. Since my Client's mother was alone in the house she locked the door from the inside. Later, when your Client came back from movie, she rang the doorbell and my Client's mother opened the door. No such incident as my Client's mother making your Client wait for 15-20 mins or abusing your Client occurred. This is all your Client's figment of imagination. On the contrary, when my Client's mother opened the door, your Client started abusing my Client's mother with unparliamentary words and even called my Client to

Pradeep

68

Case Type	Filing Number	Filing Date	Registration Number	Registration Date	CNR Number
PWDVA Appln. - Application under Domestic Violence Act	9837/2024	25-06-2024	100/2024	28-06-2024	MHKO030098672024

Case Status

First Hearing Date	Next Hearing Date	Case Status	Stage of Case	Court Number and Judge
03-July-2024	19-August-2024	Pending	First Order	41-6th Jt CJJD and JMFC Kolhapur.

Petitioner and Advocate

- 1) Chanak Diwaker Bagri

Advocate - PATIL DHANASHRI KISHOR

Respondent and Advocate

- 1) Diwaker Ramesh Bagri
- 2) Sangita Ramesh Bagri
- 3) Dipti Ashish Lakhotia

Acts

Under Act(s)	Under Section(s)
Protection of Women from Domestic Violence Act	sec12, 14, 18, 19, 20

FIR Details

Police Station	FIR Number	Year
Shahupuri Police Station		0

Case History

Registration Number	Judge	Business On Date	Hearing Date	Purpose of hearing
100/2024	6th Jt CJJD and JMFC Kolhapur.	03-07-2024	19-08-2024	First Order

[Back](#)

IN THE SUPREME COURT OF INDIA**CIVIL ORIGINAL JURISDICTION****I.A.NO. _____ OF 2024****IN****TRANSFER PETITION (CIVIL) NO. _____ OF 2024****IN THE MATTER OF :-**

Chanak Manish Agarwal

....Petitioner

V/s

Diwaker Bagri

....Respondent

APPLICATION FOR STAY

The Hon'ble Chief Justice of India and

His Companion Judges of the Supreme Court of
India.

The humble application of the petitioner abovenamed;

MOST RESPECTFULLY SHOWETH:-

1. This transfer petition is being filed under Section 25 of the Code of Civil Procedure, 1908 for seeking transfer of divorce proceedings being M.C. No. 2473 of 2024 u/s 10 R/w 13 (1) (ia) of Hindu Marriage Act, 1955 filed by the