

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.1922 OF 2009
(Arising out of S.L.P. (Crl.) No.4317 of 2007)

Dinesh Kumar Srivastav and Ors.

...Appellant(s)

Versus

Swati Sinha and Anr.

...Respondent(s)

O R D E R

Leave granted.

During the pendency of this matter, a joint application has been filed by Dinesh Kumar Srivastav and Swati Sinha under Section 13-B of the Hindu Marriage Act, 1956, [for short, 'the Act']. It is stated in the said application that, during the pendency of the present petition, the parties have decided to put an end to their matrimonial relationship and filed the present application for seeking mutual divorce under under Section 13-B of the Act. In the application, it is mentioned that both the parties shall withdraw the civil and criminal proceedings initiated by them against each other in various Courts. Let it be done within four weeks from today.

The appellant-Dinesh Kumar Srivastav has given a bank draft of Rs.1.25 lakhs to Swati Sinha towards her maintenance and Rupees one lakh has been deposited in the name of his daughter-Shivani Sinha under the guardianship of her mother Swati Sinha.

....2/-

The appellant-Dinesh Kumar Srivastav has further agreed to pay Rupees two thousand per month to Swati Sinha towards monthly educational expenses of his daughter Shivani Sinha. He has also undertaken to pay the same till Shivani attains the age of 18 years. The amount of Rupees two thousand shall be paid to Swati Sinha by an account payee cheque/draft every month by 15th day of each calendar month. It may be stated that the amount of Rupees two thousand would be paid from the month of November, 2009 onwards.

The appellant-Dinesh Kumar Srivastav would be entitled to spend two hours with his daughter on second and fourth Saturdays/Sundays of every month at the place wherever she stays with Swati Sinha. Swati Sinha is directed to cooperate in that respect.

On consideration of the totality of the facts and circumstances of this case, the parties are granted a decree of divorce by mutual consent.

In case of non-compliance of any condition incorporated in the application, the parties would be at liberty to approach the Allahabad High Court.

The appeal is, accordingly, disposed of on the above terms.

.....J.
[DALVEER BHANDARI]

.....J.
[P. SATHASIVAM]

New Delhi,
October 19, 2009.