

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [CIVIL] NO.845 OF 2009

Meetu Jain

...Petitioner(s)

Versus

Saurabh Jain

...Respondent(s)

O R D E R

Heard learned counsel for parties.

This petition has been filed for transfer of H.M.A. No.67 of 2009, titled as Saurabh Jain vs. Meetu Jain, pending in the court of Additional District Judge, Patiala House Courts, New Delhi, to the Family Court or any other competent court at Varanasi, within the State of Uttar Pradesh.

The respondent filed a petition for divorce principally on the ground of cruelty. During the pendency of this petition, parties have settled their disputes and grievances and filed a joint petition of compromise whereunder they have, inter alia, made a prayer to suffer mutual consent divorce decree. In view of this, we transfer H.M.A. No.67 of 2009, titled as Saurabh Jain vs. Meetu Jain, pending in the court of Additional District Judge, Patiala House Courts, New Delhi, to this Court and treat this petition as a petition for making amendment in the said case and dispose of the same in the following terms:

1. The mutual consent divorce decree is passed in view of the compromise.

2. The husband shall pay a sum of Rupees twelve lakhs to the wife by way of permanent alimony as one time full and final settlement. He undertakes to pay the said amount by way of Demand Draft prepared in favour of the petitioner, Smt. Meetu Jain, upon a Scheduled Bank payable at Varanasi, Uttar Pradesh, latest by 10th October, 2009, which shall be made over by learned counsel appearing on behalf of the husband to learned counsel appearing on behalf of the wife.
3. In terms of the paragraph 4 of the Memorandum of Settlement dated 1st October, 2009, which forms part of the compromise, the parties shall return the gift items within a period of one week from today.
4. The prosecution of all the accused persons in the case pending before the competent Court at Varanasi within the State of Uttar Pradesh, arising out of F.I.R. No.318/2009 under Sections 498A, 323 and 504 of the Indian Penal Code, 1862, besides Sections 3 and 4 of the Dowry Prohibition Act is quashed.

Transfer petition is, accordingly, disposed of.

.....J.
[B.N. AGRAWAL]

.....J.
[G.S. SINGHVI]

New Delhi,
October 08, 2009.