

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE/INHERENT JURISDICTION

CIVIL APPEAL NO(S). 10947 OF 2018

[@ SPECIAL LEAVE PETITION (C) 9619 OF 2016]

MEERA V. MATHEW

Appellant(s)

VERSUS

VIVEK K. JOHN

Respondent(s)

WITH

CONTEMPT PETITION (C) NO. 17 OF 2017

IN

SPECIAL LEAVE PETITION (C) NO. 9619 OF 2016

J U D G M E N T

KURIAN, J.

SLP (C) 9619 OF 2016

1. Leave granted.

2. The parties are before this Court, aggrieved by the Judgment dated 09.03.2016 passed by the High Court of Judicature of Bombay at Mumbai in Writ Petition No. 1288 of 2016. Realizing that the disputes are matrimonial in nature, this Court took several steps to see whether the parties can resolve

their disputes amicably, including the dispute on the custody of their child. In the process, the parties were referred to Mrs. Sadhana Ramachandran, a trained mediator, especially in matrimonial disputes.

3. We are happy to note that the parties have entered into a mutual settlement. The Settlement Agreement dated 27.07.2018 has been duly signed by the parties and their respective counsel and by the learned mediator.

4. In terms of the settlement, the appellant and the respondent have filed a joint application under Section 10A of the Indian Divorce Act, 1869. We have also interacted with the parties and we are convinced that they have taken a conscious decision to part as friends. Having regard to the background of litigations between the parties, we are of the view that this is a fit case to invoke our jurisdiction under Article 142 of the Constitution of India and pass orders on the application filed under Section 10A of the Indian Divorce Act, 1869.

5. Accordingly, the petition for divorce on mutual consent filed under Section 10A is allowed. The marriage between the appellant - Meera V. Mathew and the respondent - Vivek K. John is dissolved by way of

a decree of divorce on mutual consent. The parties shall be bound by the terms of settlement. The appellant and the respondent will keep in mind that though they have severed their marital relationship, for their child - Neil, Vivek John is his father and Meera Mathew mother for ever. The child is entitled to the love and affection, protection and guidance of both the parents and their families. The child also has a duty to respect, love and reciprocate the love and affection from both the parents and their families.

6. This appeal is disposed of in terms of the Settlement Agreement dated 27.07.2018. The agreement shall form part of the decree. As the parties are agreeable for extension of six months' time for discharging the obligations under Clause 6 of the Agreement, the time is extended by six months from today.

7. We record our sincere appreciation for the strenuous efforts taken by Mrs. Sadhana Ramachandran, learned mediator, to bring out the settlement between the parties who have been in litigation for quite some time before different courts.

CONTEMPT PETITION (C) NO. 17 OF 2017

In view of the Judgment passed in Civil Appeal No. 10947 of 2018 above, this contempt petition is closed.

.....J.  
[ KURIAN JOSEPH ]

.....J.  
[ HEMANT GUPTA ]

New Delhi;  
NOVEMBER 13, 2018.