

**REPORTABLE****IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION****CIVIL APPEAL NOS.11262-11264 OF 2018  
(Arising out of SLP Nos.18157-18159/2017)****DR. BENOY IDICULA BABU REP BY P.O.A  
HOLDER P.I BABU & ORS. ETC.****Appellant(s)****Versus****DR.NISHA SAIRA BENOY & ANR.ETC.****Respondent(s)****CIVIL APPEAL NOS.11265-11266 OF 2018  
(Arising out of SLP(C) Nos. 18161-18162/2017)****J U D G M E N T****KURIAN, J.**

Leave granted.

This is a case where this court successfully experimented a new method of settlement, namely, court assisted mediation and conciliation.

The appellant(s) approached this Court aggrieved by the order dated 29.3.2017 of the High Court of Kerala at Ernakulam in Matrimonial Appeal Nos.737, 955 and 956 of 2015.

Finding that there is an element of settlement, we initially directed the parties for mediation. The Initial attempt was unsuccessful. Thereafter, this Court directed

the parties to appear before this Court. We had long interaction with them. Finally, on the monetary aspect, a settlement has been arrived at, on the terms suggested by the Court. Still there were some minor disputes.

We sought the assistance of Mr.V.Shekhar, learned senior counsel and we are happy to note that the learned senior counsel was able to successfully mediate on the remaining disputes and the parties have reached a settlement.

The deed of settlement has been produced along with the I.A. The same is taken on record. The deed of settlement shall form part of the decree. In terms of the settlement, the parties have filed an application under Section 10-A of the Divorce Act of 1869. Having regard to the entire background of the long drawn litigation between the parties and having regard to the fact that they have taken a conscious decision to part, we are of the view that there is no need for the parties to go through the regular process. Therefore, their application under Section 10-A of the Divorce Act is allowed and the marriage between Dr.Benoy Idicula Babu and Dr. Nisha Saira Benoy is dissolved by a decree of divorce by mutual consent.

We make it clear that the amount of Rs.1.25 crore paid by the husband to the wife by way of permanent alimony shall not be treated as income for the purpose of income tax.

Since the parties have settled the dispute, we direct

the Passport Officer concerned to process the application duly filed by the mother Dr.Nisha Saira Benoy for the minor child Danil Chacko Benoy. The application shall not be rejected on the ground of any pending litigation, since the parties have settled all the disputes.

Since the parties have settled the dispute, the amount of Rs.1,00,000(one Lakh) deposited with the Regional Passport Officer Thiruvananthapuram shall be refunded to the mother-Nisha Saira Benoy.

The appeals are disposed of.

In view of the settlement by the parties as above, the cases filed before the High Court of Kerala i.e. W.P(C) No.28239/ 2009, W.P.(C)No.24558/ 2013, W.P(C)No.9832/ 2014, W.P.(C) No.19111/2010 and W.P.(C)No.21292/2009, W.P.(C)No.31159/2011 and the case pending before the Family Court, Tiruvalla in O.P.No.630/2010 and O.P.No.631/2010 are disposed of. The cases pending before the Judicial First Class Magistrate, Thiruvalla, in CC No.757/2010 and Judicial first Class Magistrate, Ranni, in FIR NO.392/2013 and CrI.M.P.No.7499/2013 are disposed of.

The cases pending before the High Court of Kerala in CrI.M.C. No.7353/2015 and CrI.M.C. No.3194/2017 are dismissed.

The cases pending before the Judicial first class Magistrate Court-XI, Thiruvananthapuram in FIR

No.584/2010 and Judicial First Class Magistrate, Thiruvalla, Kerala in CC No.709/2012 in FIR No.403/2009 are quashed.

All proceedings initiated under the Indian Passport Act shall be dropped. We record our sincere appreciation for the efforts taken by Mr. V.Shekhar, and the counsel on both sides who have devoted considerable time for settlement of dispute between the parties. We also record our appreciation for the cooperation extended by the parties.

Pending applications, if any, stand disposed of.

.....J.  
(KURIAN JOSEPH)

.....J.  
(HEMANT GUPTA)

NEW DELHI,  
NOVEMBER 22, 2018

ITEM NO.65

COURT NO.3

SECTION XI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s).18157-18159/2017

(Arising out of impugned final judgment and order dated 29-03-2017 in MAT.A No.737/2015, 955/2015, 956/2015 passed by the High Court Of Kerala At Ernakulam)

DR. BENOY IDICULA BABU REP BY P.O.A  
HOLDER P.I BABU & ORS.

Petitioner(s)

VERSUS

DR.NISHA SAIRA BENOY & ANR.

Respondent(s)

WITH

SLP(C) No. 18161-18162/2017 (XI-A)

(With appln for exemption from filing O.T and permission to file additional documents)

Date : 22-11-2018 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KURIAN JOSEPH  
HON'BLE MR. JUSTICE HEMANT GUPTA

For Petitioner(s) Mr. Vipin Nair, AOR  
Mr. P.B.Suresh, Adv.  
Mr. Karthik Jayashankar, Adv.  
Mr. Anshumaan Bahadur, Adv.

For Respondent(s) Mr. Manoj V.George, Adv.  
Ms. Shilpa Liza George, Adv.  
Mr. B.D.Das, Adv.  
Mr. Vignesh Ram K.M., Adv.  
Ms. Ashita Arora, Adv.  
Mr. Amit Kumar, Adv.  
Mr. Kamlendra Mishra, AOR  
Mr. Sanand Ramakrishnan, AOR

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeals are disposed of in terms of the signed reportable judgment.

(B.Parvathi)  
Court Master

(Saroj Kumari Gaur)  
Branch Officer

(Signed reportable judgment is placed on the file)