

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C)No. 2822 of 2023

SILPA JOY

PETITIONER

VERSUS

ARJUN KRISHNAN & ANR.

RESPONDENTS

O R D E R

1. The petitioner-wife seeks transfer of O.P. No. 2745/2022, titled as "Dr. Arjun Krishnan vs. Dr. Silpa Joy and Anr.", filed by the respondent-husband under Section 27(1)(d) of the Special Marriage Act, 1954, which is pending before the Family Court, Ernakulam, Kerala. She seeks transfer thereof to the Court of Principal Judge, Family Court, Bengaluru, Karnataka.

2. The petitioner and respondent No.1 both are doctors by profession. While the petitioner is stated to be the Chief Executive Officer of a reputed Skin Care Clinic in Bengaluru, Karnataka, respondent No.1 is an Orthopedic Surgeon and Assistant Professor in Amrita Institute of Medical Sciences at Kochi.

3. The marriage between the parties was solemnized on 15.04.2012. There are two children born from the wedlock, namely, a son and a daughter who are now more than ten years' and 5 years respectively.

Signature verified
 Digitally signed by
 SATISH KUMAR YADAV
 Date: 2023.03.08
 16:29:05 IST
 Reason: 4

4. Since the petitioner and respondent No.1 belong to different religions, the marriage was solemnized under the Special Marriage Act, 1954. It is stated that some differences arose

between the parties in the year 2021 and since then, they are living separately. Various civil and criminal cases appears to have been filed by them against each other.

5. On the suggestion of this Court on 20.03.2024, the parties entered into mediation and vide a Settlement Agreement dated 28.08.2024, they have resolved their matrimonial disputes. In terms of the Settlement Agreement, the parties have decided to dissolve their marriage by way of a decree of divorce by mutual consent. With regard to the properties owned by them also, they have agreed as to how to dispose of the same and/or protect the interest of each other in such properties.

6. As regard to the children, the parties have decided that while their son will stay with the father, namely, respondent No.1, the daughter will stay with the petitioner-mother.

7. Based on this Settlement Agreement, the parties have moved a joint application (I.A. No. 277422 of 2024) seeking invocation of powers of this Court under Article 142 of the Constitution to grant a decree of divorce and to give effect to the above-mentioned Settlement Agreement besides quashing the proceedings pending between them.

8. Ordinarily, we would have accepted the prayer and passed an appropriate order. However, it seems to us that the settlement re: separation of children requires in-depth consideration for which the Family Court can be the appropriate forum.

9. Consequently, we deem it appropriate to transfer O.P. No. 2745/2022, titled as "Dr. Arjun Krishnan vs. Dr. Silpa Joy and Anr.", filed by the respondent-husband under Section 27(1)(d) of

the Special Marriage Act, 1954, which is pending before the Family Court, Ernakulam, Kerala to the Court of Principal Judge, Family Court, Bengaluru, Karnataka. The records be forwarded to the transferee court forthwith.

10. The Family Court, Bengaluru, Karnataka shall interact with the parties and their children and find out a solution which will be in the best interest of the children.

11. It goes without saying that the Family Court, Bengaluru, Karnataka will be at liberty to seek assistance of the Child Psychologist, who are available in the eminent institutes located in Bengaluru, Karnataka.

12. In view of the settlement, which has already been given effect in part, the Family Court, Bengaluru, Karnataka shall take up the matter on priority basis and make an endeavour to resolve all the issues within three months from the date of receipt/production of a copy of this order.

13. Once the Settlement Agreement is given effect to by the Family Court, Bengaluru, Karnataka, the parties shall be at liberty to approach the High Court of Karnataka at Bengaluru or the High Court of Kerala at Ernakulam, as the case maybe, for quashing and consequential disposal of the criminal cases pending between them. The concerned High Court is requested to take up the matter expeditiously in light of the numerous decisions of this Court where on the basis of Settlement Agreement between the parties criminal proceedings have been annulled.

14. Till the matters are resolved by the Family Court, Bengaluru, Karnataka and the High Court, further proceedings in all

the cases, including the trial in criminal cases, shall be kept in abeyance.

15. The Transfer Petition stands disposed of in the above terms.

16. As a result, the pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

.....J.
(NONGMEIKAPAM KOTISWAR SINGH)

NEW DELHI;
MARCH 06, 2025.

ITEM NO.1

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
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s).2822/2023

SILPA JOY

Petitioner(s)

VERSUS

ARJUN KRISHNAN & ANR.

Respondent(s)

IA No. 277422/2024 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 216198/2023 - EX-PARTE STAY

Date : 06-03-2025 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

For Petitioner(s) Mr. Gl Vishwanath, Sr. Adv.
Mr. T. Mahipal, AOR
Mr. Naveen Chawla, Adv.
Ms. Dhriti Vishwanath, Adv.

For Respondent(s) Mr. Vipin Nair, AOR
Mr. Mohd Aman Alam, Adv.
Mr. Aditya Narendranath, Adv.
Mrs. M.b.ramya, Adv.
Mrs. Madhavi Yadav, Adv.
Ms. Deeksha Gupta, Adv.

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

The Transfer Petition stands disposed of in terms of the signed order.

As a result, the pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
ADDITIONAL REGISTRAR

(PREETHI T.C.)
ASSISTANT REGISTRAR

(Signed order is placed on the file)

