

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 2000/2024

PRANEET MODI

Petitioner(s)

VERSUS

SHIKHA SHAH

Respondent(s)

WITH

TRANSFER PETITION (CIVIL) NO. 2767/2024

O R D E R

1. The petitioner-Husband has filed the petition under Section 25 of the Code of Civil Procedure, 1908 before this Court seeking transfer of Case bearing Matrimonial Case No. 727 of 2024" titled as "Shikha Shah Vs. Praneet Modi" pending in Court of Principal Judge, Family Court, Varanasi, U.P. to the Principal Judge, Family Court, Tis Hazari, New Delhi and respondent wife filed the petition seeking transfer of H.M.A. No. 975/2024 titled as "Sh. Praneet Modi V. Smt. Shikha Shah" pending before the Principal Judge, Family Courts, District West, Tis Hazari Courts, Delhi to the Court of the Principal Judge, Family Courts, Varanasi, Uttar Pradesh.

2. During the pendency of this Transfer Petitions, the parties were referred to the Supreme Court Mediation Centre *vide* order dated 13-12-2024. By virtue of the mediation, the parties have arrived at a settlement and they have decided to part ways on certain terms and conditions which are delineated in the settlement

agreement dated 24.01.2025 which has been signed by both the parties and by the Mediator, copy of which has been filed by the Supreme Court Mediation Centre.

3. Learned counsel for the respective parties has filed a joint application [IA No.35143/2025] under Article 142 of the Constitution seeking dissolution of the marriage between the parties by a decree of divorce by mutual consent.

4. As per joint application, following cases pending between the parties are to be quashed, closed/disposed of.

(1) FIR No. 40/2023, P.S. Mahila Thana, Kotwali, Varanasi, the chargesheet in which FIR has been filed and the proceedings are pending before the Civil Judge (JD)/FTC-I, Varanasi, U.P., vide case no. 7334 of 2024 (State Vs Praneet Modi & Ors).

(2) HMA Case No. 975 of 2024 under Section 13 of Hindu Marriage Act pending before the Family Court, Tis Hazari, Delhi.

(3) HMA Case No. 727 of 2024 under Section 13 of Hindu Marriage Act pending before the Family Court Varanasi, Uttar Pradesh.

(4) HMA Case No. 1167 of 2024 under Section 24 of Hindu Marriage Act pending before the Family Court Tis Hazari, Delhi.

(5) Complaint Case No. 2451 of 2024 under Section 175 (3) BNSS pending before the Court of the Metropolitan Magistrate, West District, Tis Hazari Courts, Delhi.

5. Further, the terms and conditions as set out in Settlement Agreement dated 24.01.2025 for dissolution of marriage by mutual consent are relevant and therefore are reproduced as under:

"i. Both the parties hereto confirm and declare that they have, voluntarily and of their own free will, have decided not to live together as Husband and Wife and dissolve their marriage by way of divorce by mutual consent. Both the parties have arrived at this Settlement in the presence of the Mediator, the Counsel for the Petitioner, and the Counsel for the Respondent at the Supreme Court Mediation Centre.

ii. That the parties have agreed that the Petitioner-Husband will pay to the Respondent-Wife a total sum of Rs. 10,00,000/- (Rupees Ten Lakhs Thousand Only) by Demand Draft No. 816626 of Rs. 2,00,000/- (Two Lakhs Only), Demand Draft No. 816627 of Rs. 6,00,000/- and DD No. 816628 of Rs. 2,00,000/- all of dated 18.01.2025 of Punjab National Bank, Branch Jwala Heri Paschim Vihar, New Delhi, in the name of Shikha Shah (Account No. 08311140016366 with HDFC Bank Ltd), towards full and final settlement of all her claims towards her permanent alimony, Stridhan, maintenance (past, present, future) and any other claim whatsoever. The above demand drafts are being handed over today to the Respondent wife by the Petitioner-Husband in presence of Mediator and their Counsels.

iii. That it has been agreed between the parties that they will move an application jointly before the Hon'ble Supreme Court under Article 142 of the Constitution of India invoking inherent powers of this Hon'ble Court as there is irretrievable break down of the marriage for dissolving the marriage between the parties and withdrawal/ closure/ quashment of all cases pending between the parties.

6. It has been agreed between the parties that all the Complaints pending otherwise between the parties before any forum or Court of Law shall be withdrawn by them unconditionally. It is further agreed between the parties that both the parties undertake that any private photos and videos of the respective parties shall not be shared / circulated or otherwise misused in any manner whatsoever may be.

7. In view of the terms of this settlement-

agreement, both the parties herein undertake to withdraw and / or quash all the pending cases/ complaints, if any, against each other before any court of law or any other forum and would take all necessary steps for the same.

8. Both the parties undertake that henceforth, they would not interfere in the life of each other by any means and would not file any civil/criminal complaint or any case against each other and / or their family members with regard to the present matrimonial alliance.

9. By signing this Settlement Agreement the parties hereto solemnly state and affirm that they have no further claims or demands against each other and all the disputes and differences have been amicably settled by the parties hereto through the process of Mediation.

10. The parties undertake before this Hon'ble Supreme Court to abide by the terms and conditions set out in the above-mentioned Agreement, which have been arrived without any coercion, duress or collusion and undertake not to raise any dispute whatsoever henceforth."

6. Having considered the matter in detail and having perused the Settlement Agreement & Joint Application, we are of the view that this is a fit case for this Court to exercise its power under Article 142 of the Constitution of India to dissolve the marriage between the parties. Consequently, the marriage between the parties which was solemnized on 07.12.2020 at Ramada Hotel, Varanasi, Uttar Pradesh stand dissolved by a decree of divorce by mutual consent.

7. Further, in terms of the settlement agreement as also the prayer made in the joint application;

1) Proceedings pending before the Court of the Civil Judge (JD)/ FTC-I, Varanasi, U.P., in case no. 7334 of

2024 (State Vs Praneet Modi & Ors), arising out of FIR No. 40/2023, P.S. Mahila Thana, Kotwali, Varanasi stand quashed.

(2) HMA Case No. 975 of 2024 filed under Section 13 of Hindu Marriage Act pending before the Family Court, Tis Hazari, Delhi is disposed of.

(3) HMA Case No. 727 of 2024 filed under Section 13 of Hindu Marriage Act pending before the Family Court Varanasi, Uttar Pradesh is disposed of.

(4) HMA Case No. 1167 of 2024 filed under Section 24 of the Hindu Marriage Act pending before the Family Court Tis Hazari, Delhi is disposed of.

(5) Complaint Case No. 2451 of 2024 under Section 175 (3) BNSS pending before the Court of the Metropolitan Magistrate West District, Tis Hazari Courts, Delhi is closed.

8. The terms of settlement as indicated in paragraph 5 to 10 above are made a part of record.

9. It is further directed that the parties shall abide by the terms of this settlement implicitly.

10. In view of the above, Transfer Petitions and Joint Application being I.A. No. 35143/2025 are disposed of. The Registry will draw a decree in the aforesaid terms.

11. Pending applications(s), if any, are disposed of.

.....J.
[PAMIDIGHANTAM SRI NARASIMHA]

.....J.
[MANOJ MISRA]

NEW DELHI;
FEBRUARY 13, 2025

ITEM NO.3

COURT NO.11

SECTION XI

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). 2000/2024

PRANEET MODI

Petitioner(s)

VERSUS

SHIKHA SHAH

Respondent(s)

[MEDIATION REPORT HAS BEEN RECEIVED.]

IA No. 165053/2024 - EX-PARTE STAY

IA No. 165054/2024 - EXEMPTION FROM FILING O.T.

I.A. No. 35143/2025-Joint application

WITH

T.P.(C) No. 2767/2024 (XIV)

IA No. 237144/2024 - STAY APPLICATION

Date : 13-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

HON'BLE MR. JUSTICE MANOJ MISRA

For Parties

:Mr. Bhuwan Raj, AOR
Mr. Raman Singh, Adv.
Ms. Manju Savita, Adv.
Mrs. Kiran Dhawan, Adv.
Ms. Kriti Kumari, Adv.
Ms. Disha Chaudhary, Adv.

Mr. Divyesh Pratap Singh, AOR
Ms. Shivangi Singh, Adv.
Mr. Amit Sangwan, Adv.
Mr. Vikram Pratap Singh, Adv.
Mr. Suraj Prakash Singh, Adv.
Ms. Sneha Chandna, Adv.

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

1. Transfer Petitions and Joint Application are disposed of in terms of the signed order.
2. Pending application(s), if any, shall stand disposed of.

(INDU MARWAH)
AR-cum-PS

(NIDHI WASON)
COURT MASTER (NSH)

(Signed order is placed on the file)