

**IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION**

TRANSFER PETITION (CIVIL) NOS. 3073-3078 OF 2024

SULTANA AABID KHAN @ SULTANA KHAN **Petitioner(s)**

VERSUS

AABID AHMED KHAN @ AABID KHAN **Respondent(s)**

With

TRANSFER PETITION (CRIMINAL) NO. 16 OF 2025

O R D E R

1. The petitioner has filed two transfer petitions with the following prayers:

Transfer Petition (C) NOS. 3073-3078 OF 2024

(a) Transfer the proceedings bearing Petition No.B-65 of 2024 for injunction under section 39 of specific relief act read with order 39 rule 1 & 2 of C.P.C. read with sec. 7(1)(c) & (d) of the Family Court's Act 1984 titled as Dr.Aabid Ahmed Khan versus Sultana Aabid Khan along with Interim Application No.39 of 2024 in Main Petition No. B-65 of 2024 along with Interim Application No. 40 of 2024 in Main Petition No. B-65 of 2024 pending in the Family Court-6, Bandra, Mumbai to the similar jurisdiction of Family Court at Saket, South-East District, New Delhi;

(b) Transfer the proceedings being Main Petition No. D-76 of 2024 titled as Dr.Aabid Ahmed Khan versus Sultana Aabid Khan

along with interim application No.41 of 2024 in main petition No. D-76 of 2024 i.e. application for interim custody of daughter Inaya minor and Interim Application No.42 of 2024 in Main Petition No. D-76 of 2024 pending in the Family Court-6 at Bandra, Mumbai, to the similar jurisdiction of Family Court, at Saket, South East Delhi, New Delhi;

Transfer Petition (Criminal) NO. 16 OF 2025

(a) Transfer all the proceedings of C.C. No. 21/DV/2024 Application under section 12 read with section 17, 18,19,20 and 22 of the protection of women from Domestic Violence Act, 2005, titled as Mrs. Sultana Aabid Khan Versus Mr. Aabid Ahmed Khan and others, pending in the Hon'ble court of the learned Additional Chief Metropolitan Magistrate, 44th Court, at Andheri, Mumbai to the similar jurisdiction of Ld. Metropolitan Magistrate Court at Saket, South-East District, New Delhi.

2. During the pendency of aforesaid transfer petitions, the parties were referred to the Supreme Court Mediation Centre *vide* order dated 23.01.2025. 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 21.03.2025 in Transfer Petition (C) Nos. 3073-3078 of 2024 which has been signed by both the parties, their counsel and the Mediator, copy of which has been filed by the Supreme Court Mediation Centre.

3. Learned counsel for the respondent has also filed an application for directions and orders being IA No. 85050 of 2025 with the following prayers:

"a. pass the decree of dissolution of marriages between the parties, allow the parties to withdraw all the cases pending before various courts and further pass the decree of divorce in terms of the settlement agreement duly executed before Supreme Court Mediation Centre of this Hon'ble Court; and/or

b. may pass any other order or directions as deem fit and proper in the interest of justice."

4. Further, the terms and conditions and the relevant paragraphs as set out in Settlement Agreement dated 21.03.2025 are as under:

"1. The parties have agreed to mutually divorce each other as is referred to as 'Mubarat' as per Muslim Personal Law and shall pray to this Hon'ble Court to pass appropriate Orders granting the divorce.

2. That the father Respondent Dr. Aabid Ahmed Khan @Aabid Khan shall have permanent custody of both the above children Zain Aabid Khan and Inaya Aabid Khan. Currently the Son is living with the Father Dr. Aabid Ahmed Khan @ Aabid Khan and the Daughter shall join the father from 03.04.2025.

3. That the father undertakes to look after and maintain the children without any assistance of any sort from the petitioner- mother.

4. The Petitioner mother has agreed to the above arrangement and shall ensure that the daughter shall be handed over to the father on 03.04.2025. the mother shall also handover all the related documents belonging to both the children such as their passport and Aadhar Card which is presently in her possession on 03.04.2025.

5. The Petitioner-mother has also agreed to handover the driving license and Pan Card of Dr. Aabid Ahmed Khan @Aabid Khan to him on 03.04.2025.

6. The Respondent has agreed to settle the petitioner for a sum of Rs. 1,45,00,000/- (Rupees

One Crore Forty Five Lakhs) as full and final settlement. The petitioner has agreed to receive the same as full and final settlement towards her alone and there shall be no further claim under any other hands whatsoever.

7. The parties have agreed that the Petitioner-mother shall have visitation once every 15 days at Mumbai where she can collect the children at 9:00 AM on Saturday morning and return the children by 9:00 AM on the following Sunday morning.

8. The parties have also agreed that they shall share the school vacations in equal measure and the same shall be in mutually agreed consultation over e-mail only between the parties. The e-mail of the petitioner is aaliakhanzi029@gmail.com and the e-mail of the respondent is draabidkhan07@gmail.com.

9. In the event the Petitioner-mother would like to take the children for any foreign holiday it has been agreed that she shall share the details of flight and itinerary well in advance with the Respondent-father.

10. The Respondent Dr. Aabid Ahmed Khan @ Aabid Khan undertakes to remove the name of the Petitioner Ms. Sultana Aabid Khan @ Sultana Khan as co-borrower for the house loan for property bearing No. 4A/1101 Versova Skylark Tower, New MHADA, Lokhandwala, Andheri West, Mumbai-400053 by 30.06.2025. The petitioner Ms. Sultana Aabid Khan @ Sultana Khan has undertaken to cooperate with the Respondent Dr. Aabid Ahmed Khan @ Aabid Khan in signing the documents required for the said purpose.

11. The petitioner Ms. Sultana Aabid Khan @ Sultana Khan has agreed to port mobile No. 7738604169 in her own name by 30.04.2025.

12. It has been agreed that the Respondent shall make the payment of 1,45,00,000/- (Rupees One Crore Forty Five Lakhs) in the following manner and on the following dates:

(I) An amount of Rs. 40,00,000/- (Rupees forty Lakhs) shall be handed over by demand draft in favour of Petitioner Sultana Aabid Khan on 03.04.2025 simultaneously with the petitioner complying with the agreement as recorded in paragraphs (c) and (d) hereis 14 above. The said exchange shall happen in chamber No. 113, R.K. Jain

Block, Supreme Court on 03.04.2025 at 2.00 PM.

(ii) An amount of Rs. 30,00,000/- (Rupees Thirty Lakhs) shall be handed over by demand draft in favour of Petitioner Sultana Aabid Khan on 15.10.2025.

(iii) An amount of Rs. 30,00,000/- (Rupees Thirty Lakhs) shall be handed over by demand draft in favour of Petitioner Sultana Aabid Khan on 15.03.2026.

(iv) An amount of Rs. 30,00,000/- (Rupees Thirty Lakhs) shall be handed over by demand draft in favour of Petitioner Sultana Aabid Khan on 15.10.2026.

(v) And the final installment for an amount of Rs. 15,00,000/- (Rupees Fifteen Lakhs) shall be handed over by demand draft in favour of Petitioner Sultana Aabid Khan on 15.12.2026.

13. The parties undertake not to share any photographs regarding each other or any details whatsoever on any social media platform and further undertake not to institute any other case against each other and will not make any defamatory/derogatory remarks against each other and even against each other's families/relatives.

14. Parties have no other cases pending against each other and undertake to not file any case (arising from their matrimonial relationship) against each other in future.

15. The parties have also agreed to pray to the Hon'ble Supreme Court for dismissing/ disposing of the following cases filed by the parties that are pending before the Courts as mentioned below.

(I) CC No. 21/DV/2024 titled as Sultana Abid Khan Vs. Dr. Aabid Ahmed Khan pending before the Ld. Court of MM (44th), Andheri Mumbai.

(II) Petition No. D-76 of 2024 being the custody petition filed by Dr. Aabid Ahmed Khan bearing cause titled Dr. Aabid Ahmed Khan Vs. Sultana Abid Khan, pending before the Family Court (6), Bandra, Mumbai.

(III) Petition No. B-65 of 2024 being an injunction petition filed by Dr. Aabid Ahmed Khan having cause titled Dr. Aabid Ahmed Khan Vs. Sultana Aabid Khan,

pending before the family Court (6), Bandra Mumbai.

(IV) Transfer Petition (Crl.) No. 16 of 2025 seeking transfer of CC No. 21/DV/2024 titled Sultana Abid Khan Vs. Dr. Aabid Ahmed Khan pending before the Ld. Court of MM (44th), Andheri, Mumbai.

16. these settlement terms will fully and finally conclude all the claims of the Petitioner-Wife and the Respondent- husband against each other.

17. The parties undertaken to abide by the terms and conditions set out in the abovementioned Settlement Agreement, which have been arrived with free will of the parties without any coercion, duress or collusion and parties undertake not to raise any dispute whatsoever henceforth.

18. The contents of this settlement- agreement have been explained to all the parties including in Hindi and English and through their respective counsels and they have understood the same and agreed to the same.

5. We have taken the Application for directions & orders and Settlement Agreement dated 21.03.2025 on record.

6. Having considered the matter in detail and having perused the Settlement Agreement & Application for directions & orders which is also supported by the affidavits of Sultana Aabid Khan @ Sultana Khan (petitioner-wife) and Aabid Ahmed Khan @ Aabid Khan (respondent-husband) in Transfer Petition (C) Nos. 3073-3078 of 2024, we are of the view that this is a fit case for exercising 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 10.06.2012 at New Delhi stand dissolved by a decree of divorce by mutual consent and we also allow the parties to withdraw all the cases pending before various courts.

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

8. In view of the above, Transfer Petitions and Application being IA No. 85050 of 2025 are disposed of. The Registry will draw a decree in the aforesaid terms.

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

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

.....J.
[ATUL S. CHANDURKAR]

NEW DELHI;
AUGUST 01, 2025

ITEM NO.58

COURT NO.7

SECTION IX

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

Transfer Petition(s)(Civil) No(s). 3073-3078/2024

SULTANA AABID KHAN @ SULTANA KHAN

Petitioner(s)

VERSUS

AABID AHMED KHAN @ AABID KHAN

Respondent(s)

IA No. 264776/2024 - EX-PARTE STAY

WITH

T.P.(Crl.) No. 16/2025 (II-A)

IA No. 8410/2025 - EXEMPTION FROM FILING O.T.

IA No. 8405/2025 - STAY APPLICATION

Date : 01-08-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA
HON'BLE MR. JUSTICE ATUL S. CHANDURKAR

For Petitioner(s) :Mr. Syed Irfan Alam, Adv.
Mr. Syed Miran Ahmad, Adv.
Mr. Alamdar Hussain Naqvi, Adv.
Ms. Tuba Khan, Adv.
Mr. Nazim Ansari, Adv.
Mr. Amit, Adv.
Mr. Ramniwas, Adv.
Mr. Abhaya Nath Das, Adv.
Mr. Bhupendra Pathak, Adv.
Mr. Satish Kumar, AOR

For Respondent(s) :Ms. Vivya Nagpal, AOR
Mr. Sarvesh Bisaria, Adv.
Mr. Ashish Azad, Adv.
Mr. Ekansh Bansal, Adv.
Mr. Tushar Alok, Adv.

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

1. The Transfer Petitions and Application being IA No. 85050 of 2025 are disposed of in terms of the Signed Order.

2. Pending application(s), if any, shall stand disposed of.

(KAPIL TANDON)
COURT MASTER (SH)

(NIDHI WASON)
COURT MASTER (NSH)

(Signed Order is placed on the file.)