

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2414 OF 2018
[@ SPECIAL LEAVE PETITION (C) NO. 19271 OF 2016]

SACHIN DINANATH DHURI

Appellant(s)

VERSUS

MRS.SNEHA SACHIN DHURI

Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.

2. The appellant is before this Court, aggrieved by Order dated 21.03.2016 passed by the High Court of Judicature at Bombay in Civil Application No. 217 of 2015 in Family Court Appeal No. 95 of 2007. Finding that the epicenter of the dispute is the matrimonial discord between the appellant and the respondent, the parties were referred to mediation as per order dated 30.09.2016, on a suggestion made by the court, which the parties welcomed.

3. It appears that the attempt could not succeed and as per the report dated 16.11.2016 submitted by the learned mediator of the Supreme Court Mediation Center, the mediation failed. When the matter was posted again before this Court, we directed the

appellant, the respondent and their only son, who is now aged around 20 years, to be personally present before the court. On 07.02.2018, the Court interacted with the parties for a short while and thereafter, we sought the assistance of Sh.Salman Khurshid, learned senior counsel, who graciously accepted our request.

4. We find that the strenuous efforts taken by Sh.Salman Khurshid have been fruitful. The parties who have been living separately for over 20 years and have been in litigation for more than a decade, have finally decided to put an end to all the litigations and have also found a solution to the matrimonial discord. Since the father of the respondent and the mother and sister of the appellant are also parties to some of the litigations, we find that the learned mediator had sought their presence during the mediation and all the parties have agreed on the terms of the settlement, which have been reduced to writing. The said consent terms dated 20.02.2018, duly signed by all the parties and their respective counsel, are taken on record, which shall form part of this Judgment.

5. Both the parties are present before this Court today. The parties have agreed, as can be seen from

the agreement, to put an end to all the related litigations also. They have decided to part as friends. The application, that is filed by them under Section 13B of the Hindu Marriage Act, 1955, is taken on record. Having regard to the prolonged litigation and having regard to the terms of settlement, we are of the view that there is no need for any further waiting period for a decree of divorce by mutual consent under Section 13B of the Hindu Marriage Act. Accordingly, the marriage between the appellant - Sachin Dinanath Dhuri and the respondent - Sneha Sachin Dhuri is dissolved by way of decree of divorce by mutual consent. The parties are directed to strictly act in accordance with the terms of the settlement.

6. In view of the above, we are of the view that it is in the interest of justice that all the criminal and civil litigations are also put an end to, since even if the parties are sent to trial in criminal cases in view of the settlement they have arrived at and in view of the submissions they have made before this Court, the same would only end up in acquittal. Accordingly, we dispose of the following cases pending before the parties :-

(a) Criminal Case No. SW/83/2014 pending before the learned Metropolitan Magistrate, Mulund is quashed.

(b) CC No. 265/PS/2010 arising out of CR No. 16 of 2010 registered at Bangur Police Station, Borivalli, Mumbai is quashed.

c) Complaint CC No. 967/SW/2010 pending before the learned Metropolitan Magistrate, Borivali is quashed.

d) Case No. 541 of 2010 pending in Vasai Court, Mumbai is dismissed.

e) Revision Application No. 138 of 2018 in S.W.No. 83/2014 pending before the Sessions Court at Mumbai is dismissed.

f) Application (Dharkhast) Nos. 329/2015, 119/2015, 29/2017 pending before the Family Court at Bandra is dismissed.

(g) Family Court Appeal Nos. FCA 95/2007 and Contempt Petition No. 29/2015 and FCA No. 6 of 2018 is dismissed.

7. We record our deep appreciation for the commitment shown by Sh. Salman Khurshid, learned senior counsel, and for his persuasive efforts to make the parties realize that it is high time that they put an end to all the litigations and spend the rest of their life peacefully. We also record our appreciation to the cooperation extended by the learned counsel appearing on both sides for the

settlement.

8. Now that the entire litigations are put an end to amicably, we direct the appellant and the respondent not to initiate any further litigations with regard to the issues which are dealt with in the agreement. We also direct the parties to take the spirit of the agreement forward and in particular, the father shall see to the welfare of their son Abhijit especially in so far as his education and his career prospects are concerned.

9. In view of the above, the appeal is disposed of.

.....J.
[KURIAN JOSEPH]

.....J.
[MOHAN M. SHANTANAGOUDAR]

New Delhi;
February 22, 2018.

ITEM NO.301

COURT NO.4

SECTION III

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 for Special Leave to Appeal (C) NO. 19271 OF 2016

SACHIN DINANATH DHURI

Appellant(s)

VERSUS

MRS.SNEHA SACHIN DHURI

Respondent(s)

(No.27961/2018-INTERVENTION/IMPLEADMENT)

Date : 22-02-2018 This appeal was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE KURIAN JOSEPH
HON'BLE MR. JUSTICE MOHAN M. SHANTANAGOUDAR

For Appellant(s) Mr. Chirag M. Shroff, AOR
Mr. Anirudh Joshi, Adv.
Ms. Neha Sangwan, Adv.

For Respondent(s) Mr. K. N. Rai, AOR

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

Leave granted.

The appeal is disposed of in terms of the signed
non-reportable Judgment.

Pending Interlocutory Applications, if any, stand disposed of.

(JAYANT KUMAR ARORA)
COURT MASTER

(RENU DIWAN)
ASSISTANT REGISTRAR

(Signed non-reportable Judgment is placed on the file)