

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO(S). 2287/2018
(ARISING FROM SLP (C) NOS.17055 OF 2017)

SUDARSANA RAO GADDE

APPELLANT (S)

VERSUS

KARUNA GADDE

RESPONDENT (S)

J U D G M E N T

KURIAN, J.

Leave granted.

2. The appellant is before this Court, aggrieved by the order dated 16.06.2017 passed in Civil Revision No.1804/2017. The disputes are matrimonial in nature.

3. We had made several attempts for a peaceful and amicable settlement of the disputes, through Mediators and also by the Court itself. In this connection, we may reproduce an order of this Court dated 01.08.2017:-

"The parties are before us on account of a prolonged litigation for the custody of their minor child Ayush. The parties along with the grandparents are here for quite a few days. We painfully note that the child has not been attending the school for the last one month.

Thanks to the intervention of Mr. P.S. Narasimha, learned Additional

Solicitor General, thanks to the strenuous efforts of learned Senior counsel appearing for both sides, thanks to the cooperation extended by the parties and finally due to the steps taken by this Court, the parties have now arrived at a settlement.

The agreement dated 01.08.2017, duly signed by both the parties and their respective counsel has been handed over to us in the Court today.

The parties are present before us today. The parties are directed to act according to the terms of the settlement which shall also form part of this order.

We direct both parties not to institute any case or petition or any complaint against each other or the members of the family on both sides. They will not approach any forum with regard to any of the disputes between the parties or on the custody of the child or on visitation without the leave of this Court.

All litigations pending between the parties shall remain stayed until further orders.

We direct the petitioner Sudarsana Rao Gadde to hand over the child at the residence of Karuna Gadde-respondent before 1 p.m. on 02.08.2017. In case the presence of both the parents is required in the school, they shall communicate with

each other and both of them shall be present in the school.

Post this matter on 20.02.2018."

4. Today, the parties are personally present before us along with their child-Aayush. In Clause 2 (vi) read with Clause 4(vi) of the Settlement, the parties have agreed on visitation and custody rights. In view of the long litigations between the parties they have prayed for a decree of divorce by mutual consent. Having interacted with the parties, we find that they have taken a conscious decision without being influenced by any other extraneous factors. Accordingly, the marriage between the appellant/Sudarsana Rao Gadde and respondent/Karuna Gadde is dissolved by a decree of divorce by mutual consent under Section 10A of the Indian Divorce Act, 1869. The Settlement dated 01.08.2017 arrived at between the parties is already on record and the same shall form part of this judgment.

5. We direct the parties to strictly abide by the terms of Settlement.

6. Now that the parties have settled their disputes, we do not think it necessary to relegate them to the respective Courts where other litigations are pending between them as they have agreed to put an end to all the litigations. Accordingly, G.W.O.P. No. 2222 of

2016 on the file of the Family Court at Rangareddy District, Miyapur, Hyderabad will stand disposed of in terms of the Settlement dated 01.08.2017. O.P. No.2223/2016 pending before the Family Court at Rangareddy District, Miyapore Hyderabad is decreed as per the abovementioned Settlement.

7. In terms of the Settlement, we restrain the parties from instituting any fresh case against each other in respect of any dispute arising out of the Settlement dated 01.08.2017, without express permission from this Court.

8. The appeal is, accordingly, disposed of.

9. Pending applications, if any, shall stand disposed of.

10. There shall be no orders as to costs.

.....J.
[KURIAN JOSEPH]

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

NEW DELHI;
FEBRUARY 20, 2018.