

Aparna Goyal Vs. Rakesh Goyal

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Court : Supreme Court of India

Decided On : Jan-27-2009

Reported in : AIR2009SC1836; 2009(2)AWC1694(SC); 2009(2)BomCR52;
2009(2)SCALE71;
(2009)12SCC648:2009AIRSCW1447:2009(1)SCR662:2009(2)JT97

Judge : Arijit Pasayat,; Mukundakam Sharma and; H.L. Dattu, JJ.

Acts : [Code of Criminal Procedure \(CrPC\) , 1973](#) - Sections 125; [Hindu Marriage Act, 1955](#) - Sections 13B(1) and 13B(2)

Appeal No. : Transfer Petition (C) No. 91 of 2008 and Transfer Petition (Crl.) Nos. 183-184 of 2008 (SLP (Crl.) N

Appellant : Aparna Goyal

Respondent : Rakesh Goyal

Advocate for Def. : A. Sharan, A.S.G., ; M.K. Monga, ; P.D. Tiwari, ;

Advocate for Pet/Ap. : K.B. Rohtagi,; Aparna Rohtagi Jain,; Mahesh Kasana and;

Judgement :

Arijit Pasayat, J.

1. Special Leave Petitions Nos. 6900-6902 of 2007, TP (Crl.) Nos. 183- 184 of 2008 and TP (Civil) No. 91 of 2008 are taken up together.

2. Parties to the dispute i.e. Smt. Aparna Goyal-petitioner (hereinafter referred to as the `wife') and Rakesh Goyal (hereinafter referred to as the husband) had appeared at the Supreme Court Lok Adalat held on 6.12.2008. With the intervention of the mediators the parties agreed to settle their disputes. It was agreed that the parties (husband and wife) want divorce by mutual consent and also agreed not to proceed in the pending criminal and civil disputes. A sum of Rs. 10,00,000/- has been agreed to be paid by the husband to the wife in full and final settlement of her claims relating to the marriage. A sum of Rs. 10 lacs by way of draft drawn in the favour of Registrar-General of this Court has been presented. The Special Leave Petitions and Transfer Petition are disposed of on the following terms:

(1) A sum of Rs. 10 lacs which has been deposited with the Registry of this Court be handed over to Smt. Aparna Goyal, the wife.

(2) In view of the agreement, proceedings in Case No. 259/2003 pending before learned Metropolitan Magistrate, New Delhi, Patiala House Court and Case No. 1011/1/2003 filed under Section 125 of the Code of Criminal Procedure, 1973 (in short the `Code') (the aforesaid two cases were filed by Smt. Aparna Goyal, the wife) and HMA No. 37/2006 filed by the husband seeking divorce pending before District Judge, Muktsar, Punjab stands disposed of.

3. In HMA No. 37/2006 the divorce by mutual consent be passed in terms of Section 13B(1) and 13B(2) of the [Hindu Marriage Act, 1955](#) by dissolving the marriage between the husband Rakesh and Aparna Goyal, the wife in terms of this order.

4. The petitions are accordingly disposed of.