

**Sangeeta Vs. Suresh Kumar**

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**Court :** Supreme Court of India

**Decided On :** Apr-11-2000

**Reported in :** I(2001)DMC398SC; JT2000(8)SC521

**Judge :** A.S. Anand, C.J.,; R.C. Lahoti and; Doraiswamy Raju, JJ.

**Acts :** Indian Penal Code (IPC) - Sections 114, 406 and 498A

**Appeal No. :** Transfer Petition (C) No. 88 of 1999

**Appellant :** Sangeeta

**Respondent :** Suresh Kumar

**Judgement :**

ORDER

1. Parties who were married on 4th February, 1995 and had their first girl child born on 26th November, 1995 appear to have developed some misunderstandings on account of interference by their respective parents in their matrimonial life and that resulted in strained relations developing between them. The strained relations led to the filing of a divorce petition by the respondent-husband being H.M.A. No. 1093/98 in the Court of District Judge, Delhi. The petitioner-wife filed a petition for maintenance under Section 18 of the Hindu Adoption and Maintenance Act in the Court of learned Civil Judge (Senior Division) at Baroda along with an application for interim maintenance. The petitioner-wife also filed a criminal complaint against the respondent-husband and his family members for offences under Sections

498A, 406 and 114 of the Indian Penal Code in the Court of Judicial Magistrate First Class (Municipal) Court, Baroda in December, 1998.

2. After notice was issued in this petition filed by the petitioner-wife for transfer of H.M.A. No. 1093/98 and counter was filed, we took note of paragraph 5 of the counter affidavit wherein it is stated that the respondent-husband was willing to withdraw the divorce petition, in case the petitioner-wife was ready and willing to settle with him and restore marital life. We saw a ray of hope in bringing reconciliation between the parties and suggested to them to try and settle the disputes and bury their differences and start afresh their matrimonial life keeping in view the welfare and interest of their child. We are happy at the outcome of our efforts. Parties made a genuine attempt to live together and resume their matrimonial life. We adjourned the matter for some time to enable the parties to live together.

3. Parties are present before us today along with their learned Counsel.

4. Petitioner-wife states that the parties have since been living together along with their daughter and that she has no complaint against her husband any more and wants to live with him. The respondent-husband has also said likewise and filed an undertaking, which he reiterates in the court, stating that he will live in a separate house along with his wife and child and will not inflict any mental or physical harassment to her and will maintain the child and the wife affectionately and properly. It is also stated that he shall be staying away from his parents and that he would ensure that his parent do not interfere with the matrimonial life of the parties. The petitioner-wife also assures us that her parents shall also not interfere with the matrimonial life of the parties. We take the undertaking on the record.

5. The parties who are present along with their learned Counsel assure us that all the proceedings pending between them shall be withdrawn by them from the respective Courts. Whereas the respondent shall withdraw divorce petition being H.M.A. No. 1093/98 from the Court of the District Judge, Delhi. The petitioner-wife shall withdraw the suit for maintenance pending before the learned Civil Judge (Senior Division) at Baroda as well as the criminal complaint filed by her under Sections 498A, 406 and 114 of the Indian Penal Code pending in the Court of

Judicial Magistrate First Class (Municipal) Court, Baroda so that no cause for any misunderstanding remains. We record their assurances and direct that the parties shall take appropriate steps to withdraw the pending cases from the respective courts within three weeks.

6. The transfer petition is disposed of and consigned to records. Interim orders are vacated so that the parties can withdraw the cases which they had filed against each other.

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