

ITEM NO.36

COURT NO.13

SECTION II

**S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS**

Petition(s) for Special Leave to Appeal (Cr1.) No(s). 1089-1090/2018

(Arising out of impugned final judgment and order dated 12-01-2018 in SBCRLMP No. 120/2018 12-01-2018 in SBCRLMP No. 119/2018 passed by the High Court Of Judicature For Rajasthan At Jaipur)

VIKAS GARG

Petitioner(s)

VERSUS

THE STATE OF RAJASTHAN

Respondent(s)

WITH

Diary No(s). 3265/2018 (II)

FOR PERMISSION TO FILE SLP/TP ON IA 18227/2018

FOR EXEMPTION FROM FILING O.T. ON IA 18228/2018

IA No. 18228/2018 - EXEMPTION FROM FILING O.T.

IA No. 18227/2018 - PERMISSION TO FILE PETITION (SLP/TP/WP/..)

Diary No(s). 3267/2018 (II)

FOR PERMISSION TO FILE SLP/TP ON IA 18281/2018

FOR EXEMPTION FROM FILING O.T. ON IA 18282/2018

IA No. 18282/2018 - EXEMPTION FROM FILING O.T.

IA No. 18281/2018 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

Date : 08-07-2019 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s)

Mr. Vivek Jain, AOR

Ms. Suchitra Kumbhat, Adv.

Mr. Abhishek Singh, AOR

For Respondent(s)

Mr. Vivek Jain, AOR

Mr. Padhmalakshmi Iyengar, AAG

Mr. Milind Kumar, AOR

Mr. Abhishek Singh, AOR
Mr. Shresht Arya, Adv.

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

Mr. Vikas Garg, husband of Shipra Pokharna Garg are both based in USA and while they were professionally successful, the matrimonial disharmony and disputes resulted in multifarious proceedings being instituted. A decree of divorce was granted in favour of the wife albeit ex parte by the Family Court at Jaipur in case No. 452 of 2013 on 01.09.2014.

There were various civil and criminal proceedings against the parties and the parties were referred to mediation by their consent. With the assistance of mediator and cooperation of learned counsel for the parties and better sense prevailing over the parties, they have resolved their dispute which is resulted in mediation settlement dated 10.5.2018.

In terms of the settlement, the parties have agreed to bring all disputes to an end and all proceeding to stand withdrawn. List of the criminal cases filed has been mentioned in para 5(A) of which quashing is sought. To facilitate the settlement, we quash the said proceedings.

In the said list, the transfer petition and certain proceedings have also been mentioned which will naturally stand withdrawn as set out therein.

The parties have agreed to remain bound by all the terms of the settlement including carrying out certain further acts.

The settlement is thus taken on record and the petitions stands disposed of with the directions that the parties shall strictly abide by the terms of the settlement.

The amount deposited in court by the husband would stand released in favour of husband in terms of the settlement.

The special leave petitions stand disposed of.

There is, however, one aspect which troubles us. The settlement was recorded as far as on 10th May, 2018. On 16.5.2018 a direction was issued by this Court to list the matter after vacation. This matter has been listed after one year i.e. after the second summer vacation. It is trite to say that the mediation settlement should be given effect to immediately. We see no reason why due precaution should not have been taken in listing the matter at the earliest after the summer recess of 2018 or why it should have been deleted from the list.

We consider this matter serious enough to direct that the Registrar concerned should look into the matter as to why such specific directions of the court about listing before the Court are not being followed strictly and submit the report on the administrative side within a period of four weeks from today and fix responsibility in this regard.

IN D. NOS. 3267 AND 3265 OF 2018

Permission to file special leave petitions is granted.

**The special leave petitions are disposed of in terms of the
aforesaid order passed in SLP(Crl.) Nos. 1089-1090 of 2018**

**(NEELAM GULATI)
COURT MASTER (SH)**

**(ANITA RANI AHUJA)
COURT MASTER (NSH)**