

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.2453/2024

ANJALI

Petitioner(s)

VERSUS

CHETAN

Respondent(s)

WITH

T.P.(Crl.) No. 800/2024 &
T.P.(C) No. 3481/2024O R D E R

1. Since the issues raised in all the Captioned Transfer Petitions are by and large the same and the parties are also the same, those were taken up for hearing analogously and are being disposed of by this common order.

2. By way of these petitions filed under Section 25 CPC, the petitioner - wife seeks transfer of (i) Marriage Petition No.269/2014 titled "Chetan Kumar Lakhwani vs. Anjali Vinaykumar Patil filed by the respondent (husband) pending before the Civil Judge, Senior Division, Sangamner, District Ahmednagar, Maharashtra to the Court of Principal Judge, Family Court, Barwaha, District Khargone, Madhya Pradesh, (ii) Crl. M.A. No. 417/2024 titled "Smt. Rajni Kumar Lakhwani vs. Anjali Vinaykumar Patil" filed by the respondent - mother-in-law pending before the Court of Judicial Magistrate Class-I, Sangamner, District Ahmednagar, Maharashtra to the Court of Judicial Magistrate First Class, Barwaha, District Khargone, Madhya Pradesh and (iii) Spl. C.S. No. 127/2024 titled "Kumar Teumal Lakhwani & Anr. vs. Ramsare Yadav &

Ors. filed by the respondent Nos. 1 and 2, pending before the Court of 2nd Joint Civil Judge Senior Division, Sangamner, Maharashtra to the Court of Additional District Judge, Barwaha, District Khargone, Madhya Pradesh.

3. This is one of those unfortunate litigations wherein within one year of marriage, the wife had to leave her matrimonial home as according to her, she was being incessantly harassed by her husband and also her in-laws.

4. The marriage between the parties i.e. Anjali and Chetan was solemnized on 8-5-2020. Within no time, the marriage got into trouble. The wife i.e. Anjali had to leave her matrimonial home and since then she has been residing at her parental home.

5. The relations must have gone so sour that as many as 17 different proceedings have been instituted by the parties against each other including criminal prosecutions as usual.

6. Fortunately, no child is born in the wedlock.

7. Today, when the matters were taken up for hearing, we suggested to both the learned counsel appearing for the parties that there is no point in contesting all these litigations, as these litigations will go on for years and years together. The parties are young. They must look ahead towards their future. If the marriage has failed, that is not the end of the life for both. They must look ahead and start a new life.

8. In such circumstances, referred to above, we have been requested by both the learned counsel appearing for the parties to invoke our jurisdiction under Article 142 of the Constitution of India and dissolve the marriage.

9. The marriage between the parties is ordered to be dissolved in exercise of our jurisdiction under Article 142 of the Constitution.

10. We have been provided with a list of pending cases between the wife, - husband and the other relatives.

11. The list reads thus:-

1. RCT 272/2020; State of MP. & Anjali Vs. Chetan, Rajni and Sahil pending in the Court of Judicial Magistrate 1st Class, Barwaha, District Khargone, M.P. Filed by wife under Sections 498A, 506 and 34 of IPC.

2. MJCR 45/2020; Anjali Vs. Chetan pending in the Court of Judicial Magistrate 1st Class, Barwaha, District Khargone, M.P. - Filed by wife under 125 CrPC.

3. MJCR 125/2022; Anjali vs. Chetan pending in the Court of Judicial Magistrate 1st Class, Barwaha, District Khargone, M.P. - Filed by wife under Section 125(3) CrPC for compliance of non payment under the above case.

4. MJCR 134/2023; Anjali vs. Chetan, Kumar, Rajni, Sahil, Mahesh Saraf, Geeta Saraf and Swapnil Mule pending in the Court of Judicial Magistrate Senior Division, Barwaha, District Khargone, M.P. - Filed by wife under Section 12 of the Domestic Violence Act.

5. RCSHM 14/2021; Anjali Vs. Chetan pending in the Court of Additional District Judge, Barwaha, District Khargone, M.P. - Filed by wife under Section 13 of the Hindu Marriage Act.

6. MJCR 208/2024; Kumar Lakhwani, Chetan Lakhwani vs. State of M.P. and Anjali pending in the Court of Chief Judicial Magistrate, Khargone, M.P. Filed by father in-law and

husband for transfer of above cases to another Court at Barwaha on the basis of some allegation against the Id. Presiding Officer of the Court.

7. MJCR 320/2024; Anjali vs. Chetan, Kumar & Ors. pending in the Court of Chief Judicial Magistrate, Khargone, M.P. - Filed by wife for transfer of cases at Serial Nos. 1 to 3, 13 and 14.

8. M.Cr.C. 31200/2024; Kumar, Rajni and Sahil vs. State of M.P. and Anjali pending in the High Court of Madhya Pradesh, Bench at Indore- Filed by father in-law, mother in-law and brother in-law for quashing FIR in case at Serial No.1 above.

9. M.Cr.C. 46569/2024; Kumar and Chetan vs. State of M.P. and Anjali pending in the High Court of Madhya Pradesh, Bench at Indore - Filed by father in-law and husband - A transfer petition details of which are not to knowledge of wife as she has not received its notice - Came to her knowledge from reply to one of transfer petition before this Hon'ble Court.

10. Marriage Petition 269/2024 Chetan Vs. Anjali pending in the Court of Civil Judge Senior Division, Sangamner, Maharashtra Filed by husband under Section 12 of the Hindu marriage Act for declaring marriage as null and void.

11. Cr. M.A. 417/2024; Rajni Vs. Anjali pending in the Court of Jt. Civil Judge Junior Division, Sangamner, Maharashtra - Filed by mother in- law under Section 12 of the Domestic Violence Act.

12. Spl C.S. 127/2024; Kumar and Sahil Vs. R.A. Yadav, S.P. Khargone and Anjali pending in the Court of Jt. Civil Judge Senior Division, Sangamner, Maharashtra - Filed by father in-law and brother in-law - Suit for Damages against wife and police officers handling case under Section 498A IPC.

13. MJCR 44/2023; Chetan Vs. Anjali pending in the Court of Judicial Magistrate First Class, Barwaha, District Khargone, M.P. - Filed by husband under Sections 340 and 195 CrPC

14. MJCR 9/2024; Kumar Lakhwani Vs. Anjali pending in the of Court of Judicial Magistrate First Class, Barwaha, District Khargone, M.P. - Filed by the father in-law under Section 195 CrPC.

15. Transfer Petition (C) No. 2453/2024; Anjali Vs. Chetan pending before this Hon'ble Court for transfer of case at Serial No. 10 above.

16. Transfer Petition (Crl) No. 800/2024; Anjali Vs. Rajni pending before this Hon'ble Court for transfer of case at Serial No. 11 above.

17. Transfer Petition (C) No.3481/2024; Anjali Vs. Kumar & Ors. pending before this Hon'ble Court for transfer of case at Serial No. 12 above."

12. As we have dissolved the marriage, all the pending proceedings between the parties, referred to above, stand terminated. Even if there is any other proceedings not included in the list, the same stands terminated.

13. The parties are requested to now live peacefully and proceed further in life.

14. With the aforesaid, all the three Transfer Petitions stand disposed of.

15. It is understood that none of the parties shall raise any other claims in future.

16. At this stage, the learned counsel appearing for the father-in-law pointed out that in the Suit instituted by him, he has paid court fees of about Rs.60,000/. He prays that the amount of Rs.60,000/- be ordered to be refunded.

17. It is not possible for us to order refund. We do not know at what stage the suit is. It all depends at what stage the suit is so that the Court concerned can order refund of it. However, we keep it open for the father-in-law to apply before the Civil Court concerned for refund of the court fees.

.....J
(J.B. PARDIWALA)

.....J
(R. MAHADEVAN)

NEW DELHI
11TH FEBRUARY, 2025.

ITEM NO.11

COURT NO.13

SECTION IX

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

Transfer Petition(Civil) No.2453/2024

ANJALI

Petitioner(s)

VERSUS

CHETAN

Respondent(s)

(FOR ADMISSION IA No. 207197/2024 - EX-PARTE STAY, IA No. 276842/2024 - EXEMPTION FROM FILING O.T. & IA No. 207198/2024 - EXEMPTION FROM FILING O.T.)

WITH

T.P.(Cr1.) No. 800/2024 (II-A)

(FOR ADMISSION)

T.P.(C) No. 3481/2024 (IX)

(FOR ADMISSION)

Date : 11-02-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

HON'BLE MR. JUSTICE R. MAHADEVAN

For Petitioner(s) :

Mr. Niraj Sharma, AOR

Ms. Mahima Sharma, Adv.

Ms. Tanya Raizada, Adv.

For Respondent(s) : Ms. Samridhi S. Jain, AOR

Mr. Shiv Sagar Tiwari, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. All the three Transfer Petitions stand disposed of, in terms of the signed order.

2. Pending applications, if any, shall also stand disposed of.

(VISHAL ANAND)

ASTT. REGISTRAR-cum-PS

(POOJA SHARMA)

COURT MASTER(NSH)

(Signed Order is placed on the file)