

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5045-47 OF 2016
[@ SPECIAL LEAVE PETITION (C) NOS. 7503-7505 OF 2016]

ARUN BABAN SAWANT

Appellant(s)

VERSUS

SUREKHA KERU PIMPARKAR @ SUREKHA A. SAWANT Respondent(s)

J U D G M E N T

KURIAN, J.

1. Leave granted.
2. Heard the learned counsel on both the sides as well as the petitioner and the respondent, who have appeared before this Court.
3. Though it was reported by the Mediator of the Supreme Court Mediation Centre that the parties could not arrive at an amicable settlement, since the parties are present before us, we made an attempt and it is heartening to note, thanks to the cooperation of the parties and the learned counsel appearing for both the sides, that an amicable settlement has been made possible.

4. In view of the above, it is not necessary for us to go into the factual details of the case.

5. The parties have been duly divorced. The custody of their daughter-Sanjana is with the respondent-mother. What remains is only the visitation rights of the appellant-father and the permanent alimony for the respondent and future maintenance for the child.

6. Having regard to the various suggestions, which have evolved in Court, having regard to the background of the parties and having regard to the best interests of both the parties and their child, it is agreed, and which agreement we feel is just and reasonable as well, that the appellant shall pay an amount of Rs. 30 Lakhs (Rupees Thirty Lakhs) towards alimony and maintenance to the respondent-mother and the daughter within a span of two and a half years from today. This amount shall be paid in the following manner :-

i) Rs. 10 Lakhs shall be paid within six months from today by way of a Demand Draft drawn in favour of the respondent - Surekha Keru Pimparkar.

ii) A further payment of Rs. 10 Lakhs will be made

within one year thereafter, by way of a Demand Draft drawn in favour of the respondent - Surekha Keru Pimparkar.

iii) Within one year thereafter, the remaining Rs. 10 Lakhs will be paid by way of a Demand Draft drawn in favour of the daughter - Sanjana.

7. It is made clear that if any default is committed by the appellant in paying the abovementioned amounts, he shall be liable for contempt of this Court, apart from other consequences of interest etc.

8. As far as the visitation rights of the appellant-father are concerned, the appellant-father shall be given visitation rights to visit his daughter-Sanjana in the presence of a student-councillor attached to the school where she is presently studying, on two non-working Saturdays in a month from 10.00 AM to 01.00 PM.

9. In that view of the matter, the following cases which are pending between the parties in various Courts shall stand dismissed :-

i) Family Court Appeal No. 23 of 2011 titled as "Surekha Arun Sawant Vs. Arun Baban Sawant" pending before the High Court of judicature of Bombay at Mumbai.

ii) Domestic Violence Case No. 174/N/2008 titled as "Surekha Keru Pimparkar Vs. Arun Baban Sawant, pending before the 49th Metropolitan Magistrate, Vikhroli, Mumbai.

iii) Contempt Petition No. 189 of 2012 titled as "Surekha Arun Sawant Vs. Arun Baban Sawant, pending before the High Court of judicature of Bombay at Mumbai.

iv) Contempt Petition No. 692 of 2009 titled as "Arun Baban Sawant Vs. Surekha Arun Sawant (renumbered as CMA No. 09 of 2010) pending before the Family Court, Thane.

v) Execution Petition (RD No. 53 of 2010) titled as "Surekha Arun Sawant Vs. Arun Baban Sawant, pending before the Family Court at Thane.

vi) MP No. 188 of 2015 (New No. F-173/2010) titled as "Surekha Arun Sawant Vs. Arun Baban Sawant, pending before the Family Court, Thane.

In view of the settlement of the entire disputes, we expect the family members not to pursue CC No. 673 of 2009 titled as "*Narhari Bhimaji Hinge Vs. Mrs. Surekha Arun Sawant & Ors.*" pending before JMFC, Thane.

10. The Registry is directed to communicate a copy of this Judgment to the above Courts forthwith.

11. With the above observations and directions, these appeals are disposed of.

No costs.

.....J.
[KURIAN JOSEPH]

.....J.
[ROHINTON FALI NARIMAN]

New Delhi;
May 02, 2016.



JUDGMENT