Serial No. 33

HIGH COURT OF JAMMU & KASHMIR AND LADAKH AT JAMMU

CM (M) No. 191/2023 c/w
TrP (C) No. 63/2023

Rajinder Singh and Others …..Appellant(s)/Petitioner(s)

Through: Mr. Mandeep Singh, Advocate.

vs

Kiran Khasa ….. Respondent(s)

Through: None.

Coram: HON'BLE MR. JUSTICE RAJNESH OSWAL, JUDGE

ORDER
06.11.2026

CM (M) No. 191/2023 & TrP (C) No. 63/2023

1. The Hon'ble Supreme Court of India in terms of order dated 04.12.2025, has quashed CM(M) No. 191/2023 titled *"Rajinder Singh v. Kiran Khasa"* and also transfer petition bearing TrP(C) No. 63/2023 and in para 2 of the above mentioned order has recorded the settlement arrived at between the parties, the same is extracted as under:-

"In para 11 of the application, terms and conditions governing the settlement has been set out which is reproduced herein for ready reference:-

"11. That both the parties have entered into a full and final settlement/agreement in respect to the above mentioned cases on the following terms and conditions:

a) Both the parties hereto confirm and declare that they have voluntarily and other their own free-will, decided not to live

together as husband and wife and have arrived at settlement in the presence of the mediator, their respective counsels.

b) That both the parties agree that the name of the Petitioner/first party will be removed from all loan/mortgage documents taken by the Respondent/second party as a guarantor and the first party will not be liable to any entity to repay any amount as a guarantor.

c) It is agreed by both the parties that the scheme "Ladli Beti Scheme" started by the parties to be closed/surrendered as the children is with the first party (Petitioner) and the second party (Respondent) will not have any right to claim any amount of the above mentioned scheme on surrender or maturity.

d) That it has been agreed between both the parties there is no demand of any claim like stridhan, maintenance, past, present and future also by the first party to the second party and also second party no demand any past, present and future, claim from the first party.

e) That both the parties herein agreed that they shall jointly file an application and pray to the Hon'ble Supreme Court to exercise its power under Article 142 of the Constitution of India and to grant Decree of Divorce by mutual consent, and quashing/withdrawal of all criminal and civil cases pending between the parties and their relatives. That this application shall be filed within one week of the signing of this present settlement.

f) That the parties have agreed mutually to continue with the present arrangement i.e. in terms of custody of their child. The Minor

daughter, namely, Tesha aged about 10 years and one son, namely, Yokshit aged about 8 years will permanently stay and reside with the Petitioner/first party/mother. That the Petitioner/First Party(mother) is responsible for the welfare and the upbringing of the daughter. The Petitioner will further be entitled and responsible to take all the necessary decisions for the benefit of Minor daughter namely Tesha aged about 10 years and one son namely Yokshit."

2. Learned counsel for the applicant submits that proceedings be disposed of in light of the judgment of Hon'ble Supreme Court of India and further prayer has been made for release of Rs. 2.5 lacs alongwith interest in favour of the applicant.

3. Under the ordinary circumstances, the applicant ought to have requested the Hon'ble Supreme Court of India only for release of the amount but in view of the fact that the parties have agreed before the Hon'ble Supreme Court of India that, there is no demand of any claim like stridhan, maintenance, past, present and future by the respondent towards the applicant and also the applicant has no demand towards the respondent.

4. As the parties have already settled the dispute and proceedings of CM(M) and TrP have already been quashed by the Hon'ble Supreme Court of India, as such, the amount deposited pursuant to the interim order dated 07.10.2023 is directed to be released in favour of the applicant subject to the furnishing of an undertaking that in the event, the respondent in future raises any dispute with regard to the above mentioned amount, he shall deposit the same alongwith interest before this Court.

5. The application is, accordingly, **disposed of**.

6. The proceedings stands disposed of in light of the judgment of the Hon'ble Supreme Court of India.

(RAJNESH OSWAL)
JUDGE

Jammu
06.11.2026
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HIGH COURT OF JAMMU & KASHMIR AND LADAKH