

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No.532/2021

POOJA RATHOD

Petitioner

VERSUS

TARUN RATHOD

Respondent

O R D E R

The Petitioner is the wife of the Respondent. The petitioner has filed this petition under Section 25 of Code of Civil Procedure, 1908 seeking transfer of H.M.O.P No. 2941 of 2020 titled as "*Tarun Rathod Vs. Pooja Rathod*" filed by the respondent herein under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, in the Court of the Family Judge at Chennai, Tamil Nadu to the Additional Family Court Judge, City Civil Court at Hyderabad, Telangana State.

I have heard the learned counsel for the petitioner and learned counsel for the respondent.

During the course of the submissions, it is brought to my notice that the distance between Chennai and Hyderabad is over 600 Kms and that the petitioner is not in a position to contest the aforesaid case by travelling to Chennai everytime the case is posted at Chennai. On the other hand, it would be possible for the respondent to prosecute the case at Hyderabad. Therefore, the prayer sought for by the petitioner may be allowed.

Having regard to the facts of the present case and bearing in mind that the petitioner herein is residing in Hyderabad which is

in Telangana State which is over 600 Kms away from Chennai in which place the respondent has filed the aforesaid petition and bearing in mind expediency and interest of justice, the prayer sought for by the petitioner is granted.

In the circumstances, H.M.O.P No. 2941 of 2020 titled as "*Tarun Rathod Vs. Pooja Rathod*" is transferred as sought by the petitioner.

In view of the disposal of this Transfer Petition, the stay of further proceedings before the Family Court at Chennai would no longer operate.

Both parties are directed to appear before the concerned Family Court of Competent Jurisdiction at Telangana on 24th January, 2022.

The Transfer Petition is allowed accordingly.

.....J.
[B.V. NAGARATHNA]

NEW DELHI
DECEMBER 06, 2021