

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO.42 OF 2020

KAVITA KUMARI

PETITIONER(S)

VERSUS

MAHADEV

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the petitioner.

The petitioner-wife is a resident of Village Bangothri Kalan via Pilani, Tehsil Surajgarh, Jhunjhunu, Rajasthan and the respondent-husband is a resident of P.O. Karuvassery, Krishnan Nair Road, Karuvissery Amsom and Desom, Kozhikode Taluk, Kozhikode District, Kerala.

The prayer in this petition is for transfer of the divorce petition filed by the respondent in the Family Court at Kozhikode, Kerala. The petitioner has filed a petition under Section 125 of the Code of Criminal Procedure, 1973 which is pending before the Additional Chief Judicial Magistrate at Pilani. Moreover, the petitioner has filed a complaint under Section 12 of the Protection Of Women From Domestic Violence Act, 2005 ('DV Act') which is also pending in the Court

of Additional Chief Judicial Magistrate at Pilani.

It is also pointed out in the Transfer Petition that a criminal case is pending on the basis of the FIR registered at Pilani Police Station.

The Learned counsel appearing for the respondent has no objection for transferring the petition as prayed for. He however, submits that it will be appropriate if all the proceedings are transferred to the courts at the same place. The said request is reasonable.

Accordingly, case bearing OP No.779 of 2019 titled as "Mahadev vs. Kavita Kumari" pending before the Court of the learned Principal Judge, Family Court at Kozhikode, Kerala is hereby transferred to the Court of the learned Principal Judge, Family Court, Chirawa, Jhunjhunu, Rajasthan. Case No.236 of 2019 pending in the Court of the Additional Chief Judicial Magistrate, Pilani which is a petition filed under Section 125 of the Code of Criminal Procedure, 1973 is also transferred to the Court of learned Principal Judge, Family Courts, Chirawa, Jhunjhunu, Rajasthan. The learned Principal Judge, Family Court, Chirawa, Jhunjhunu, Rajasthan shall ensure that this case is heard with transferred OP No.779 of 2019. The learned Principal District &

Sessions Judge, Chirawa, Jhunjhunu, Rajasthan shall ensure that Case No.237 of 2019 which is a complaint filed under Section 12 of the DV Act filed by the petitioner which is pending before the Additional Chief Judicial Magistrate, Pilani is also transferred to the court of competent Magistrate at Chirawa, Jhunjhunu, Rajasthan.

It will be open for the parties to move learned Principal District and Sessions Judge of the concerned district for transfer of criminal case which is pending on the basis of the FIR registered at Pilani Police Station to the competent court at Chirawa, Jhunjhunu, Rajasthan.

Let the record of the case(s) be transferred without delay.

The transfer petition is allowed with the above direction. Pending application(s), if any, shall stand disposed of.

.....J
(ABHAY S. OKA)

NEW DELHI;
DECEMBER 11, 2021

ITEM NO.38 Court 14 (Video Conferencing)

SECTION XVI-A

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(s)(Civil) No(s). 42/2020

KAVITA KUMARI

Petitioner(s)

VERSUS

MAHADEV

Respondent(s)

(IA No.5744/2020-EX-PARTE STAY)

Date : 11-12-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Ms. Swati Sood, Adv
Mr. Amit Verma, Adv
Mr. Pradeep Sheoran, Adv
Ms. Astha Sharma, AOR

For Respondent(s) Mr.Vinay Kumar Sharma, Adv.
Mr. Prateek Gupta, Adv.
Mr. Divakar Kumar, AOR

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

The transfer petition is allowed in terms of
the signed order. Pending application(s), if any,
shall stand disposed of.

(Geeta Ahuja)
Court Master

(Beena Jolly)
Court Master

(Signed Order is placed on the file)