

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 644/2020

CHAVA AMBIKA

PETITIONER

VERSUS

M. KUMAR CHOWDARY

RESPONDENT

O R D E R

Heard the learned Counsel for the parties.

The petitioner is the wife and the respondent is the husband. There are three proceedings pending between the parties. The first one is a petition for divorce filed by the respondent-husband, which is pending in the Family Court at Vellore, Tamil Nadu. The second is a prosecution at the instance of the petitioner-wife against the respondent-husband under Sections 498A and 506 of the Indian Penal Code, 1860 which is pending in a Court at Guntur, Andhra Pradesh. The third is a petition for maintenance filed under Section 125 of the Code of Criminal Procedure, 1973, which is pending in the Family Court at Guntur, Andhra Pradesh.

The prayer in this petition is for a transfer of divorce petition filed by the respondent-husband to the Family Court at Guntur, Andhra Pradesh.

The opposition of the learned Counsel appearing for the respondent-husband is mainly on the ground that the petitioner-wife is a well educated woman and she can always undertake travelling for attending to the case at Vellore. The second submission, in the alternative, is that all the three cases be transferred to the Court at Chittoor, Andhra Pradesh.

I have considered the submissions. The respondent-husband is already attending to the two proceedings filed at the instance of the petitioner-wife at Guntur. The respondent-husband has never sought transfer of the said proceedings. Therefore, it will be appropriate if the divorce petition filed by the respondent-husband is transferred to the Family Court at Guntur, so that the divorce petition can be heard along with the maintenance petition filed by the petitioner-wife.

Accordingly, the transfer petition is allowed. The divorce case being F.C.O.P. No. 227 of 2019 titled "*M. Kumar Chowdary vs. Chava Ambika*" pending in the Family Court, Vellore, Tamil Nadu, is hereby transferred to the Court of the learned Principal Judge, Family Court, Guntur, Andhra Pradesh. The learned Principal Judge, Family Court, Guntur shall ensure that the petition bearing F.C.O.P. (MC) No. 474 of 2019 is heard along with the transferred petition.

If a request is made by the respondent-husband for

recording evidence of his witnesses in the divorce petition through Video Conference, the Family Court, Guntur, shall make necessary arrangements.

Let the records of the case be transferred to the concerned court without delay.

Pending application(s), if any, shall stand disposed of.

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

NEW DELHI;  
NOVEMBER 9, 2021.

ITEM NO.24

COURT NO.14

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 (CIVIL) NO. 644/2020

CHAVA AMBIKA

PETITIONER(S)

VERSUS

M. KUMAR CHOWDARY

RESPONDENT(S)

(FOR ADMISSION and IA No.54546/2020-STAY APPLICATION )

Date : 09-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Venkateswara Rao Anumolu, AOR  
Mr. Bhushan Ojha, Adv.  
Mr. Deepak K. Singh, Adv.  
Mr. Sudhir K. Ojha, Adv.  
Mr. Amit K. Bhati, Adv.

For Respondent(s) Mr. G. Ananda Selvam, Adv.  
Mr. K. Mayil Sami, Adv.  
Ms. Lakshmi Ramamurthy, 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.

(POOJA SHARMA)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file.)