

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition (Civil) No.669/2020

POONAM GUPTA

Petitioner(s)

VERSUS

PAVAN KUMAR SINGH

Respondent(s)

O R D E R

The petitioner-wife seeks transfer of HMA No.117/2019 titled as "Pavan Kumar Singh vs. Poonam Gupta" filed under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of Principal Judge, Family Court, Faridabad, Haryana to the Court of Principal Judge, Family Court, Bangalore, Karnataka.

The marriage between the parties was solemnized on 10.12.2017 at Thirumala (Andhra Pradesh). It appears that they could not pull on together and have dragged each other in multiple Court cases.

The petitioner-wife presently resides at Bangalore, whereas the subject divorce petition has been filed by the husband in Faridabad.

Learned counsel for the respondent-husband vehemently urges that the petitioner has concealed the material facts as she claimed herself without any source of income, whereas, the income tax returns placed on record, show otherwise.

Having heard learned counsel for the parties and on perusal of the record, it appears to me that the relevant facts to be seen at this stage are as to whether there is a likelihood of hardship and whether right to effective defence is likely to be jeopardized.

Keeping in view the long distance between Faridabad and

Bangalore, as well as the civil and criminal cases pending between the parties, it does not appear prudent to expect the petitioner-wife to visit Faridabad to attend those cases.

Consequently, the transfer petition is allowed. HMA No.117/2019 titled as "Pavan Kumar Singh vs. Poonam Gupta" filed under Section 13 of the Hindu Marriage Act, 1955, is ordered to be transferred from the Court of Principal Judge, Family Court, Faridabad, Haryana to the Court of Principal Judge, Family Court, Bangalore, Karnataka.

The records of transferred case shall be forwarded to the transferee Court forthwith.

The respondent-husband shall be at liberty to apply for appearance through video conferencing platform before the Family Court, Bangalore, Karnataka, save and except when his physical appearance is necessarily required.

The Family Court, Bangalore, Karnataka will further ensure that all the cases pending between the parties are taken up on the same date.

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

New Delhi,
27th April, 2022

....., J.
[SURYA KANT]

ITEM NO.1611

COURT NO.15

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition (Civil) No. 669/2020

POONAM GUPTA

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VERSUS

PAVAN KUMAR SINGH

Respondent(s)

(FOR ADMISSION and IA No.56759/2020-EX-PARTE STAY and IA
No.56756/2020-EXEMPTION FROM FILING PAPER BOOKS)

Date : 27-04-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Deepak Goel, AOR

For Respondent(s) Ms. Divya Sharma, Adv.
M/S. Dua Associates, 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, stand disposed of.

(ARUSHI SUNEJA)
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)
BRANCH OFFICER

(Signed order is placed on the file.)