

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 676/2020

MOHINI TRIPATHI @ MOHINI MISHRA

PETITIONER

VERSUS

ROHIT KUMAR TRIPATHI

RESPONDENT

ORDER

1. The present petition has been filed by the petitioner-wife under Section 25 of the Civil Procedure Code read with Order XLI of the Supreme Court Rules, 2013 praying *inter alia* for transfer of a divorce petition filed by the respondent-husband under Section 13(1) of the Hindu Marriage Act, 1955 being MAT Suit No. 128 of 2020, titled as "Rohit Kumar Tripathi vs. Mohini Tripathi @ Mohini Mishra" CNR No. WBB150006102020 from the Court of the District Judge, Paschim Bardhman, at Asansol, West Bengal to the Court of the Principal Judge, Family Court, Prayagraj, Uttar Pradesh.
2. Despite service having been effected on the respondent-husband, he has not entered appearance till date.
3. Learned counsel for the petitioner submits that though the divorce petition has been filed by the respondent-husband in Asansol, he is residing and working for gain at Bangalore. The parties have stayed together only for a period of five months

whereafter, the petitioner-wife was forced out of her matrimonial home and is presently residing with her parents at Prayagraj, Uttar Pradesh, where the marriage of the parties was solemnized.

4. Learned counsel for the petitioner states that besides the fact that the travel time between Asansol to Prayagraj itself is about 600 kilometers, the petitioner-wife has no independent means of earning to support herself and is completely dependent on her parents.
5. In view of the submissions made herein above and for the reasons stated in the transfer petition, the same is allowed.
6. The Divorce Petition being MAT Suit No. 128 of 2020, titled as "Rohit Kumar Tripathi vs. Mohini Tripathi @ Mohini Mishra" CNR No. WBBD150006102020 is directed to be transferred from the Court of the District Judge, Paschim Bardhman, at Asansol, West Bengal to the Court of the Principal Judge, Family Court, Prayagraj, Uttar Pradesh for the matter to proceed further from the stage at which it is.
7. The Transfer Petition is allowed and disposed of along with the pending applications, if any.

..... J
(HIMA KOHLI)

New Delhi
Date: 29.11.2021.

ITEM NO.4 Court 17 (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(Civil) No. 676/2020

MOHINI TRIPATHI @ MOHINI MISHRA Petitioner(s)

VERSUS

ROHIT KUMAR TRIPATHI Respondent(s)

(FOR ADMISSION and IA No.57511/2020-FOR EX-PARTE STAY)

Date : 29-11-2021 These matters were called for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Somesh Chandra Jha, AOR
Mr. Rahul Narang, Adv.

For Respondent(s)

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

The Transfer Petition is allowed and disposed of along
with the pending applications, if any in terms of the Signed
Order.

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT

(POONAM VAID)
COURT MASTER (NSH)

(Signed Order is placed on the file)