

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

Miscellaneous Application No.1396/2020 in
Transfer Petition (C) No.1422 of 2019

SRONI NAIR

Petitioner(s)

VERSUS

DEEPAK SIVAKUMAR

Respondent(s)

(FOR ADMISSION and IA No.54955/2020-RECALLING THE COURTS ORDER)

Date : 19-08-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Sajith. P, AOR

For Respondent(s) Mr. K.S. Mahadevan, Adv.
Mr. Ankit Gusain, Adv.
Ms. Swati Bansal, Adv.
Mr. Rajesh Kumar, AOR

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

Miscellaneous Application No.1396/2020 is disposed of in
terms of signed order.

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

(RAJNI MUKHI)
COURT MASTER (SH)

(DIPTI KHURANA)
COURT MASTER (NSH)

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

MISCELLANEOUS APPLICATION NO(S).1396 OF 2020

IN

TRANSFER PETITION (C) NO. 1422 OF 2019

SRONI NAIR

PETITIONER(S)

VERSUS

DEEPAK SIVAKUMAR

RESPONDENT(S)

O R D E R

Heard Mr. K.S. Mahadevan, learned counsel appearing for the applicant (husband). Also heard Mr. Sajith P., learned counsel appearing for the petitioner(wife) in the Transfer petition.

The Transfer petition was taken up on 21.05.2020 and the case was disposed of with the following order:

" This petition has been filed by the petitioner (wife) under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of OP No.1834/2019 titled as Deepak Sivakumar vs. Sroni Nair pending before the Family Court at Chennai to the Family Court, Irinjalakuda, Thrissur.

Heard Mr. Sajith P, learned counsel appearing for the petitioner. The respondent (husband), however is unrepresented today. But, on the last date, i.e., 19.09.2019, the learned counsel appearing for the sole respondent had submitted that he does not want to file any counter affidavit.

Having considered the submissions made by learned counsel for the petitioner and keeping in view the facts and circumstances of the case, I deem it fit and proper to allow the transfer petition.

Accordingly, the OP No.1834/2019 titled as Deepak Sivakumar vs.Sroni Nair pending before the Family Court at Chennai is transferred to the Family Court, Irinjalakuda, Thrissur.

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

Consequently, the Transfer Petition is allowed."

Thereafter, the respondent in the Transfer Petition has filed M.A. No.1396/2020 praying for recall of this Court's order dated 21.05.2020 on the ground that due to technical glitches, the respondent's lawyer could not participate in the hearing conducted on 21.05.2020.

The primary focus of Mr. K.S. Mahadevan, the learned counsel appearing for the husband is that both parties are residing in USA and as such before the Divorce Case filed by the husband is considered by the Court on merit, parties be facilitated to sit for mediation. This is not opposed by Mr. Sajith P., the learned counsel representing the wife.

In the above circumstances, while retaining the order for transfer of the Divorce Case from the Court at Chennai to the Family Court at Irinjalakuda, Thrissur, the Transferee Court is requested to ensure that before the Divorce Case is adjudicated on merit, mediation between the parties should be facilitated for resolution of their matrimonial dispute. If possible, parties may be permitted to initially appear for the mediation process through Video Conferencing. It is ordered accordingly.

With the above order, the Miscellaneous Application No. 1396/2020 stands disposed of.

..... J.
[HRISHIKESH ROY]

NEW DELHI;
AUGUST 19, 2020