

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.838 OF 2020

NEHA RAI

PETITIONER

VERSUS

RAHUL MISHRA

RESPONDENT

O R D E R

In this petition, the petitioner-wife has sought transfer of petition for restitution of conjugal right under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent-husband, being HMA No.795 of 2019 titled as "*Rahul Mishra v. Neha Rai*" pending in the Court of Principal Judge, Family Court, Surajpur, Greater Noida, U.P.

It has been specifically submitted on behalf of the respondent-husband that he is not interested in prosecuting the said petition for restitution of conjugal rights; and in fact, he had moved an application seeking withdrawal of the same on 03.12.2020 before the Trial Court but, final orders could not be passed on the said application because of the stay order passed by this Court in this matter.

Taking the totality of the facts and circumstances into account, we are clearly of the view that when the respondent-husband is making a prayer for withdrawal and does not want to proceed with the petition for restitution

of conjugal rights, no purpose would be served by continuing with this litigation any further; and for that matter, it does appear appropriate to grant the prayer for withdrawal in this petition itself.

Accordingly, while lifting the stay order dated 19.08.2020, the prayer of the respondent-husband for withdrawal of the said petition, being HMA No.795 of 2019 titled as "*Rahul Mishra v. Neha Rai*" pending in the Court of Principal Judge, Family Court, Surajpur, Greater Noida, U.P. is granted and the said petition is dismissed as withdrawn.

In view of the above, this transfer petition is rendered redundant and stands disposed of as such.

Pending applications also stand disposed of.

.....J.
(DINESH MAHESHWARI)

.....J.
(B.V. NAGARATHNA)

New Delhi;
November 30, 2022.

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

Transfer Petition(s)(Civil) No(s). 838/2020

NEHA RAI

Petitioner(s)

VERSUS

RAHUL MISHRA

Respondent(s)

(IA No. 71046/2020 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 71043/2020 - STAY APPLICATION)

Date : 30-11-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Petitioner(s) Ms. Simran Khurana, Adv.
Ms. Sitwat Nabi, Adv.
Mr. Nitin Saluja, AORFor Respondent(s) Ms. Taruna Ardhendumauli Prasad, AOR
Mr. Ardhendumauli Kumar Prasad, Adv.
Ms. Shreya Srivastava, Adv.
Mr. Ashish Madaan, Adv.
Mr. Aman Singh Bhadoria, Adv.
Ms. Ananya Sahu, Adv.

UPON hearing the counsel the Court made the following

O R D E R

The transfer petition is disposed of in terms of the signed order.

Pending application also stands disposed of.

(MEENAKSHI KOHLI)
ASTT. REGISTRAR-cum-PS(RANJANA SHAILEY)
COURT MASTER

[Signed order is placed on the file]