

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.875 OF 2020

ISHITA BHATTACHARYA (CHAKRABORTY)
@ ISHITA CHAKRABORTY ...Petitioner

VS.

SUKANT BHATTACHARYA ...Respondent

O R D E R

This petition has been filed by the petitioner-wife seeking transfer of Execution Case No.Ex A/9/2020 titled as "Sukant Bhattacharya v. Ishita Bhattacharya (Chakraborty) @ Ishita Chakraborty" pending before the 2nd Additional Principal Judge, Family Court, Jabalpur, Madhya Pradesh, *inter alia*, alleging the violation of the terms of the settlement recorded by this Court on 13th September, 2019.

As per the terms and conditions of the settlement, in execution case the violation of the visiting rights, custody of the child and other issues were raised by the respondent moving appropriate applications before Family Court, Jabalpur, Madhya Pradesh. It is urged, if transfer as prayed is directed, it would not be possible to respondent to reach every time to Kolkata and make application for compliance of the terms and conditions of settlement

recorded by this Court. In fact the transfer of the proceedings would make the settlement and order of this Court otiose and transfer is not in the interest of minor child.

After hearing learned counsel for the petitioner and respondent-in-person, in the considered opinion of the Court, there is much substance in the arguments of the respondent, in my opinion no ground to interfere and transfer the case as prayed for is made out. The Transfer Petition is accordingly dismissed.

.....J.
[J.K.MAHESHWARI]

New Delhi;
August 12, 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). 875/2020

ISHITA BHATTACHARYA (CHAKRABORTY)
@ ISHITA CHAKRABORTY

Petitioner(s)

VERSUS

SUKANT BHATTACHARYA

Respondent(s)

(Respondent in person matter.

IA No. 122006/2020 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 14312/2021 - EXEMPTION FROM FILING O.T.

IA No. 75431/2020 - EXEMPTION FROM FILING O.T.

IA No. 14308/2021 - INITIATING CRIMINAL PROCEEDINGS U/S 340 OF
CRPC

IA No. 95092/2020 - INTERIM CUSTODY OF CHILD

IA No. 89200/2020 - PERMISSION TO APPEAR AND ARGUE IN PERSON

IA No. 75430/2020 - STAY APPLICATION)

Date : 12-08-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Arjun Garg, AOR
Mr. Shobhit Jain, Adv.
Mr. Aakash Nandolia, Adv.
Ms. Sagun Srivastava, Adv.

For Respondent(s) Respondent-in-person

UPON hearing the counsel the Court made the following
O R D E RThe Transfer Petition is dismissed in terms of the
signed order.

Pending applications also stand disposed of.

(ANITA MALHOTRA)
AR-CUM-PS(KAMLESH RAWAT)
COURT MASTER

(Signed order is placed on the file.)