

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

TRANSFER PETITION (CIVIL) NO. 961/2019

PARVATHAVARTHINI B

PETITIONER

VERSUS

RAJIV VENKATESH MUTHU

RESPONDENT

O R D E R

Heard the learned counsel for the petitioner. The perusal of the office report shows that the notice issued in terms of the order dated 10<sup>th</sup> May, 2019 was duly served upon the respondent. Upon service, the respondent submitted a letter to the Registry stating that he is not in a position to bear the expenses of contesting the present Petition. In the said letter dated 19<sup>th</sup> June, 2019, the respondent gave an undertaking to withdraw the Petition which is the subject matter of this Transfer Petition. However, the said Petition has not been withdrawn. On the basis of the said letter, by order dated 5<sup>th</sup> August, 2019, a direction was issued by this Court to the respondent informing him that either he may withdraw the pending Petition or he may opt for having a legal counsel appointed by the Supreme Court Legal Services Authority. The office report records that even a letter in terms of the order dated 5<sup>th</sup> August, 2019 has been duly served upon the respondent.

2. There are three proceedings between the petitioner-wife and the respondent-husband. The petitioner has filed a complaint under Section 12 of the Protection of Women From Domestic Violence Act, 2005 before the competent Court at Tirupur in Tamil Nadu. The petitioner has also filed a petition seeking a decree of divorce in the competent Court at Tirupur. The learned counsel appearing for the petitioner pointed out that the said petition has been decreed *ex parte*. The learned counsel for the petitioner pointed out that as per his instructions, the respondent is proposing to apply for setting aside the said *ex parte* decree. The third proceeding is a petition under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent/husband seeking restitution to conjugal rights. Transfer of this petition is sought which is pending in the Family Court at Banguluru.

3. The petitioner is a resident of Tirupur. The respondent has not chosen to contest the present petition. Moreover, in spite of his undertaking recorded in the letter addressed to the Registry to withdraw the Petition pending in the Court at Banguluru, he has not withdrawn the same. Considering the distance between the place of residence of the petitioner and Banguluru, a case is made out for passing an order of transfer.

4. Accordingly, the Transfer Petition is allowed. Petition bearing M.C. No.213/2019 titled as "*Rajiv Venkatesh Muthu Vs. Smt. Parvathavarthini B.*" pending in the Court of the learned Principal Judge, Family Court Bengaluru, Karnataka is hereby transferred to the Court of the learned Subordinate Judge in Tirupur, Tamil Nadu.

5. In the event, Petition filed by the petitioner bearing

H.M.O.P. No.222 of 2019 is restored, the said petition shall be heard alongwith the transferred Petition.

10<sup>th</sup> November, 2021  
New Delhi;

. . . . . J.  
(ABHAY S. OKA)

ITEM NO.24

COURT NO.14

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(s)(Civil) No(s). 961/2019

PARVATHAVARTHINI B

Petitioner(s)

VERSUS

RAJIVVENKATESH MUTHU

Respondent(s)

IA No. 75222/2019 - EX-PARTE STAY)

Date : 10-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. R. Venkataraman, Adv.  
Mr. B. Ragunath, Adv.  
Mr. Vijay Kumar, AOR

For Respondent(s)

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, stands disposed of.

(TUSHAR BISHT)  
COURT MASTER (SH)(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file)