

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NOS.964-966 OF 2020

DIVYASREE SANDEEP

PETITIONER

VERSUS

SANDEEP SARATCHANDRAN ETC.

RESPONDENT

O R D E R

In these petitions, the petitioner-wife is seeking transfer of three matters arising out of the estranged marriage, being O.P. No. 1301 of 2018 for declaration against the divorce granted by Sharia Court, Sharjah; O.P. No. 1305 of 2018 for declaration of guardianship of the minor daughter; and O.P. No. 418 of 2019 for recovery of a sum of Rs.4 crores, as filed by the respondent-husband in the respective courts at Ernakulam, Kerala to the Family Court at Chennai, Tamil Nadu with reference to her personal difficulties and the present place of residence.

During the course of submissions, learned counsel for respondent No.1 has, *inter alia*, pointed out that, in fact, the petitioner-wife has filed a petition bearing Crl.M.P. No. 210 of 2021 in the Court of Family

Judge at Kasaragod in the State of Kerala. In this regard, learned counsel for the petitioner submits that the said petition has been filed for execution of the order made by the Sharia Court at Sharjah and in the totality of the circumstances, the petitioner had no choice except to file such a petition at Kasaragod, Kerala but, the petitioner is not required to personally attend the proceedings therein.

Apart from the above, learned counsel for the respondent No. 1 has made various submissions as regards the educational qualifications of the petitioner and her stable employment, and has vehemently opposed these transfer petitions but, having considered the circumstances in their totality, we are of the view that in the interest of justice, transfer of the proceedings, as prayed for, is warranted.

Accordingly, these transfer petitions are allowed and cases bearing O.P. Nos. 1301 of 2018 and 1305 of 2018, titled as "*Sandeep Saratchandran v. Divyasree Sandeep*" and O.P. No. 418 of 2019 titled as "*Sandeep Saratchandran v. Divyasree Sandeep & Ors.*", pending in the Family Court at Ernakulam, Kerala are hereby transferred to the Family Court, Chennai, Tamil Nadu.

The parties shall be at liberty to apply before the transferee Court for appearing through the video conferencing mode.

The records of the case be transferred to the transferee court forthwith.

All 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). 964-966/2020

DIVYASREE SANDEEP

Petitioner(s)

VERSUS

SANDEEP SARATCHANDRAN ETC.

Respondent(s)

(FOR ADMISSION and IA No.87168/2020-EX-PARTE STAY)

Date : 30-11-2022 These petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MRS. JUSTICE B.V. NAGARATHNAFor Petitioner(s) Mr. C. Paramasivam, Adv.
Mr. Rakesh K. Sharma, AORFor Respondent(s) Mr. Manu Krishnan G., Adv.
Mr. A. Karthik, AOR

UPON hearing the counsel the Court made the following

O R D E R

The transfer petitions are allowed in terms of the signed order.

Pending application stands disposed of.

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

[Signed order is placed on the file]