

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.123/2020

SUPARNA DAS

Petitioner(s)

VERSUS

DEBASIS BHOWMICK

Respondent(s)

O R D E R

The Court is convened through Video Conferencing.

The petitioner-wife seeks transfer of Divorce Petition bearing H.M.A. No. 637/2019 titled as "*Debasis Bhowmick Vs. Suparna Das*" filed by the respondent-husband under Section 13 (i) (i-a) (i-b) (iii) of the Hindu Marriage Act, 1955 which is pending in the Court of Principal Judge, Family Court, Saket Courts, New Delhi. The petitioner-wife seeks transfer of the aforesaid case to the Court of competent jurisdiction at Kalna District Purba Bardhaman, West Bengal.

Notice was issued on 28-1-2020 and proceedings were stayed.

As per the Office Report, the respondent-husband has been served but neither he appears in-person nor through counsel.

The marriage between the parties was solemnized on 19th June, 2014. It further appears that both the parties are wanting to dissolve their marriage as the petitioner-wife has also filed a petition on 1st July, 2019 under Section 27 of the Special Marriage Act for annulment of marriage which is still pending. She alleges that respondent-husband has filed the subject Divorce Petition as a counter-blast to her annulment petition.

Be that as it may, it would be in the interest of justice that both the matters are decided together. Since the petitioner-wife is unemployed and is dependent on her parents, I deem it appropriate to allow this Transfer Petition and transfer H.M.A. No. 637/2019 titled as "*Debasis Bhowmick Vs. Suparna Das*" pending in the Court of Principal Judge, Family Court, Saket Courts, New Delhi to the Court of competent jurisdiction at Kalna District Purba Bardhaman, West Bengal.

The records of the case shall be transferred to the transferee Court forthwith.

Since both the parties do not want to live together, the competent Court at Kalna District Purba Bardhaman, West Bengal shall firstly initiate mediation proceedings to persuade the parties to dissolve the marriage by mutual consent. However, if the mediation fails, the Court shall proceed to decide both the cases together on merits and in accordance with law.

The Transfer Petition is allowed in the afore-stated terms.

.....J
(SURYA KANT)

NEW DELHI;
13TH AUGUST, 2021.

