

ITEM NO.11 Court 15 (Video Conferencing)

REVISED
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). 894/2020

MONIKA RAKSHIT

Petitioner(s)

VERSUS

RUPAM KUMAR ROY CHOWDHURY

Respondent(s)

(Mediation report received

IA No. 78124/2020 - APPLICATION FOR PERIMSSION TO MEDIATION

IA No. 3823/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 78117/2020 - EX-PARTE STAY

IA No. 78126/2020 - EXEMPTION FROM FILING O.T.

IA No. 136393/2020 - STAY APPLICATION)

WITH

T.P.(C) No. 899/2020 (XVI-A)

(FOR

FOR EX-PARTE STAY ON IA 78425/2020

FOR APPLICATION FOR PERIMSSION TO MEDIATION ON IA 78428/2020

IA No. 78428/2020 - APPLICATION FOR PERIMSSION TO MEDIATION

IA No. 78425/2020 - EX-PARTE STAY)

Date : 15-04-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Ms. Mayuri Raghuvanshi, AOR

For Respondent(s)

Mr. Rabin Majumder, AOR

Ms. Mousumi Roy, Adv.

Mr. Joydeep Mukherjee, Adv.

Ms. Akansha Srivastava, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The transfer petitions are disposed of in terms of signed
order.

Pending application(s), if any, stand disposed of.

(SONIA BHASIN)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(signed order is placed on file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 894/2020

MONIKA RAKSHIT

Petitioner(s)

VERSUS

RUPAM KUMAR ROY CHOWDHURY

Respondent(s)

WITH

TRANSFER PETITION (CIVIL) NO. 899/2020

O R D E R

While the first transfer petition is for the transfer of a matrimonial proceeding pending on the file of the Family Court, Ghaziabad to the Family Court, South East District, New Delhi, the second transfer petition is for transfer of a civil suit, filed by the mother-in-law of the petitioner-wife.

Heard learned counsel on both sides.

In so far as matrimonial proceedings are concerned they deserve to be transferred primarily for the reason that the petitioner-wife is now working in Apollo Hospital, Delhi, albeit on the administrative side. Therefore despite the distance between Ghaziabad and New Delhi being very short and in normal circumstances we would not entertain such a plea for transfer, the pandemic situation makes me lean in favour of the petitioner-wife as she is working in a hospital.

Another additional factor is that the respondent husband is a consultant working from home. Therefore, transfer Petition No.894 of 2020 is allowed and Matrimonial Suit No.565 of 2020 filed by the husband in the Family Court, Ghaziabad shall stand transferred to the Family Court, South East District, Delhi

In so far as the second transfer petition is concerned the same relates to a suit for declaration and permanent injunction filed by the mother-in-law of the petitioner in respect of an immovable property situate within the local limits of jurisdiction of the Civil Court, Ghaziabad. The petitioner is not claiming any residential order under the Domestic Violence Act in relation to that particular house. Therefore, the same cannot be transferred.

Hence the second transfer petition is dismissed.

..... J.
(V. Ramasubramanian)

New Delhi
April 15, 2021