

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(s)(Civil) No(s). 935/2020

APURVA JAIN

Petitioner(s)

VERSUS

ANKIT JAIN

Respondent(s)

O R D E R

Heard Ms. Pratibha Yadav and Mr. Ankit Kumar Lal, learned counsel for the parties.

This Petition under Section 25 of the Code of Civil procedure is filed praying for transfer of Original Suit No. 217 of 2020 titled as "*Ankit Jain Vs. Smt. Apurva Jain*" pending before the Principal Judge, Family Court, Moradabad, U.P. to the Family Court, Gwalior, Madhya Pradesh. Basically two grounds were taken. Firstly, the petitioner is residing at Gwalior with her parents and secondly that there are four other matters already pending before the Family Court, Gwalior.

Notice was issued. Counter affidavit has been filed by the respondent-husband represented by Mr. Ankit Kumar Lal, advocate. Mr. Lal submitted that he although seriously opposed the Transfer Petition and also raised a plea that in fact the petitioner was working in Gujarat and as such the request for

transferring the case to Gwalior is not bona fide and the ground taken that she was residing in Gwalior is not correct. To this, Ms. Yadav learned counsel for the petitioner made a statement that it is true that the petitioner was working in Gujarat upto January, 2020 but in February, 2020 she left her job in Gujarat and is now residing in Gwalior. It is also stated that it is only after she left Gujarat and started living in Gwalior when the present transfer petition was filed. Law is well settled and we need not burden this order by referring to judgments. Considering the aforesaid submissions, the Transfer Petition is allowed.

Let the aforementioned case, as described above, be transferred from Moradabad to Gwalior. Necessary steps be taken by the concerned court at Moradabad. The records may be transmitted within four weeks.

Pending applications, if any, shall also stand disposed of.

.....J.  
[VIKRAM NATH]

New Delhi;  
September 20, 2021.

