

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No.1005/2020

ANKITA CHACHRA

PETITIONER

VERSUS

ROHIT VASDEV

RESPONDENT

O R D E R

The petitioner-wife seeks transfer of the case registered as HMA/511/2020 instituted by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955, titled as "Rohit Vasdev vs. Ankita Chachra" in the Court of Principal District Judge (Family Court), Gurugram.

The petitioner's case is that she is unemployed at present and residing with her parents in Nagpur, Maharashtra. There is allegation in her petition that she was thrown out of her matrimonial home but Mr. Subramoniam, learned counsel for the respondent denies such allegation. His submission is that she had left her matrimonial home on her own volition.

In a proceeding under Section 25 of the Code of Civil Procedure, 1908, I am not entering into a fact finding examination as regards a reason for petitioner leaving her matrimonial home. What I have to examine here is as to whether it would be expedient in the interest of justice to transfer the pending divorce proceeding to an appropriate court in Nagpur as prayed for by the petitioner.

Respondent's case is that he is a crew member with an international airlines but at present his earning has shrunk because of the ongoing pandemic. He, however, has expressed his willingness through his counsel to bear the traveling

and staying expenses of wife to defend the case filed by him in Gurugram, Haryana.

In my opinion, however, payment of expenses alone may not make it a fit case for rejecting the plea for transfer. There are attendant problems of having to defend a proceeding at a place far away from the parental residence of a lady brought by her husband for annulment of marriage.

In the circumstances, in my opinion, it will be expedient in the interest of justice to transfer the aforesaid case from Principal District Judge (Family Court), Gurugram, Haryana to Family Court at Nagpur, Maharashtra.

The transfer petition is allowed accordingly. Records to be sent to the Family Court, Nagpur.

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

.....J.
[ANIRUDDHA BOSE]

NEW DELHI;
FEBRUARY 26, 2021

