

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1223 OF 2020

DR. ACHANYA ...Petitioner

VS.

DR. VENKATARAM ...Respondent

O R D E R

Heard Mr. Rajesh Singh Chauhan, learned counsel appearing for the petitioner (wife). The respondent (husband) is represented by Mr. Abhishek Agarwal, learned counsel.

The petitioner seeks transfer of the divorce proceedings filed by the respondent from the Court at Thenkasi, Tamil Nadu to a competent Court at Kozhikode, Kerala.

The records show that the respondent is working as a senior Orthopaedic Doctor in Puducherry whereas the petitioner is pursuing her Masters in Pediatrics at Chandigarh. She is also receiving some stipend from the PGIMER, Chandigarh.

It is submitted by the respondent's counsel that the petitioner herself is currently staying at Chandigarh and therefore, there should be no basis for her to file a case for Restitution of Conjugal Rights, in Kerala.

Reacting to the above, the petitioner contends that the respondent too is residing at Puducherry and he has filed the divorce case before the Court at Thenkasi.

Having considered the circumstances in this case and considering the fact that both are well educated persons and the petitioner is at Chandigarh temporarily to pursue higher qualification, I deem it appropriate to allow her Transfer Petition. The proceedings before the Thenkasi has been stayed since 18th November, 2020. Consequently, the H.M.O.P. No.186 of 2019 titled *Dr. Venkataram v. Dr. Achanya* is ordered to be transferred immediately from the Court of Subordinate Judge, Thenkasi, Tamilnadu to the Family Court at Kozhikode, Kerala.

.....J.
[HRISHIKESH ROY]

New Delhi;
March 25, 2021.

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). 1223/2020

DR. ACHANYA

Petitioner(s)

VERSUS

DR. VENKATARAM

Respondent(s)

(IA No. 112501/2020 - EX-PARTE STAY
IA No. 112502/2020 - EXEMPTION FROM FILING O.T.)

Date : 25-03-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Rajesh Singh Chauhan, AOR
Mr. Babu Malayil, Adv.
Mrs. Anu Tyagi, Adv.
Mr. Mahesh Prasad, Adv.
Mr. Alok Pandey, Adv.
Mr. Saket Grover, Adv.

For Respondent(s) Mr. Abhishek Agarwal, AOR

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

The transfer petition is allowed in terms of the
signed order.

Pending applications shall also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)