

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1153 OF 2020

SHRUTI SINGH

... PETITIONER(S)

VERSUS

LT. CDR. NITIN GOYAL & ANR.

...RESPONDENT(S)

O R D E R

This transfer petition is filed seeking transfer of Special Civil Suit No. 12/2020/B (*Lt. Cdr. Nitin Goyal & Anr. vs. Shruti Singh*) filed by the Respondent No. 1 in the Court of Civil Judge, Senior Division at Vasco Da Gama, South Goa to the Court of District Judge, Gautam Budh Nagar (NOIDA), Uttar Pradesh.

A copy of the plaint has been annexed to the transfer petition. From the cause title of the petition, it appears that the petitioner being the defendant in the suit is a resident of NOIDA, Uttar Pradesh.

There is no averment in the plaint stating that the cause of action or any part thereof has arisen in Goa within the jurisdiction of the Court of the Civil Judge, Senior Division at Vasco DA Gama.

The appropriate Court at Gautam Budh Nagar (Noida), Uttar Pradesh under the jurisdiction of which the petitioner being the defendant in the suit resides, would have jurisdiction to adjudicate the suit.

The transfer petition is, accordingly, allowed.

The Suit being Special Civil Suit No. 12/2020/B (*Lt. Cdr. Nitin Goyal & Anr. vs. Shruti Singh*) pending in the Court of the Civil Judge, Senior Judge, Vasco Da Gama, South Goa is transferred to the appropriate Court in Gautam Budh Nagar (NOIDA), Uttar Pradesh.

The records of Special Civil Suit No. 12/2020/B be transferred to the transferee Court, at the earliest.

It is made absolutely clear that this Court has not at all considered the merits of the contentions of the respective parties. Nor has this Court considered the question of maintainability of the suit filed by the Respondent. All questions are kept open for the transferee Court to decide.

Pending applications, if any, shall stand disposed of.

..... J.
[INDIRA BANERJEE]

NEW DELHI;
APRIL 28, 2022.

ITEM NO.1610

COURT NO.8

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). 1153/2020

SHRUTI SINGH

Petitioner(s)

VERSUS

NITIN GOYAL & ANR.

Respondent(s)

(FOR ADMISSION and IA No.106038/2020-STAY APPLICATION
IA No. 106038/2020 - STAY APPLICATION)

Date : 28-04-2022 These matters were called on for hearing today.

CORAM : HON'BLE MS. JUSTICE INDIRA BANERJEE

For Petitioner(s) Mr. G. Umapathy, Sr. Adv.
Ms. Astha Prasad, AOR
Mr. Sanjay Mishra, Adv.
Mr. Mahendra Vikram Singh, Adv.
Mr. Aditya Singh, Adv.
Ms. Rennie Joy, Adv.
Ms. Pavitra Bala Krishnan, Adv.
Mr. Suvin Kumaran, Adv.

For Respondent(s) Mr. Rishi Bharadwaj, Adv.
Mr. Arvind Kumar Gupta, AOR
Mr. Abhiesumat Gupta, Adv.
Mr. Shourya Dogra, Adv.

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, if any, shall stand disposed of.

(MANISH ISSRANI)
COURT MASTER (SH)(MATHEW ABRAHAM)
COURT MASTER (NSH)

(SIGNED ORDER IS PLACED ON THE FILE)