

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (CIVIL) NO(S).1201 of 2020**

ANURIKA PANT

Petitioner(s)

VERSUS

GAURAV PANT

Respondent(s)

O R D E R

The present transfer petition has been filed by the petitioner/wife u/s 25 of the Code of Civil Procedure seeking transfer of divorce petition bearing matrimonial case No. 25 of 2020 titled as Gaurav Pant Vs. Anurika Pant filed u/s 13 of the Hindu Marriage Act, 1955 by the respondent in the Family Court at Lucknow (UP) to the competent court at Bandra Family Court, Mumbai, Maharashtra.

It appears that the Court had explored the possibility of settlement between the parties through mediation and the matter was referred to the Supreme Court Mediation Centre, New Delhi, however as per the mediation report the parties could not arrive at an amicable settlement and the mediation was unsuccessful.

Heard the Learned Advocates for the parties. The transfer of proceedings has been mainly sought on the ground that divorce petition was filed by the respondent/husband at the

Family Court, Lucknow (UP), though the petitioner and the respondent both were residing under the same roof at Kandivali West, Mumbai. According to the petitioner, the divorce petition was filed at Lucknow by the respondent only to harass the petitioner and get ex-parte orders.

However, the Learned Advocate for the respondent submits that his parents are staying at Lucknow and in the divorce proceedings, they also will have to come to the Court for giving deposition, which will be difficult for them to go to Mumbai if the divorce petition is transferred to the Court at Mumbai.

Having regard to the submissions made by the Learned Advocates for the parties and to the allegations and contentions raised in the petition, it appears that the divorce petition was filed by the respondent at the Family Court, Lucknow (UP), though both the petitioner as well as the respondent had got married at Mumbai and were staying under the same roof in a flat at Kandivali West, Mumbai. It also appears that the respondent is not giving sufficient amount of maintenance to the petitioner and it would be difficult for the petitioner to travel to Lucknow on every date of hearing from Mumbai. Merely because the parents of the respondent are staying in Lucknow that would not be a ground not to transfer the petition as prayed for.

In that view the matter, considering the hardship that would be faced by the petitioner, the Court is inclined to transfer the divorce petition bearing Matrimonial case No. 25 of 2020 pending before the Principal Judge, Family Court, Lucknow (UP) to the competent court of Family Court of Bandra, Mumbai, Maharashtra as prayed for.

However, it is directed that the petitioner shall not take undue advantage of such transfer at the Family Court, Mumbai and shall not seek undue adjournments in the case.

The petition stands allowed accordingly.

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

.....J.
[Bela M. Trivedi]

New Delhi
21st March, 2022

ITEM NO.1625

Court 16 (Video Conferencing)

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

IA 110211/2020,110221/2020, in Transfer Petition(s)(Civil) No(s).
1201/2020

ANURIKA PANT

Petitioner(s)

VERSUS

GAURAV PANT

Respondent(s)

(Mediation report received.

IA No. 110221/2020 - EXEMPTION FROM FILING AFFIDAVIT

IA No. 110211/2020 - STAY APPLICATION)

Date : 21-03-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE BELA M. TRIVEDI

For Petitioner(s)

Mr. Rakesh Mishra, AOR
Mr. Satyam Pandey, Adv.
Mr. Visheshwar Mishra, Adv.
MR. Amit Upreti, Adv.
Ms. Savitri Verma, Adv.
Mr. Alok Kumar Pandey, Adv.
Mr. Sandeep Kumar Dwivedi, Adv.
Mr. Rakesh Mishra, AOR

For Respondent(s)

M/S. V. Maheshwari & Co., AOR
DR. I.M. QUDDUSI SR. ADV.
Mr. Jabar Singh, Adv.
Mrs. Swasti Priya, Adv.

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

The transfer petition is allowed in terms of signed order.

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

(SHUBHAM YADAV)

SENIOR PERSONAL ASSISTANT

(DIPTI KHURANA)

COURT MASTER (NSH)

(Signed order is placed on the file)