

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition (Civil) No.1207/2020

NISHI DEVI @ NISHI KUMARI

Petitioner(s)

VERSUS

CHANDRA SHEKHAR KUMAR

Respondent(s)

ORDER

1. This petition has been filed by the petitioner-wife under Section 25 of the Code of Civil Procedure, 1908 praying *inter alia* for transfer of a petition filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955, being Matrimonial Suit No. 328 of 2020, titled as "Chandra Shekhar Kumar vs. Nishi Devi" from the Court of Principal Judge, Family Court, East Singhbhum at Jamshedpur, Jharkhand to the Court of Principal Judge, Family Court, Patna, Bihar.

2. By Order dated 23.07.2021, at the request of the parties they were referred to the Supreme Court Mediation Centre to explore the possibility of arriving at a negotiated settlement. However, no settlement could be arrived at.

3. Learned counsel for the petitioner-wife states that the marriage of the parties was solemnized on 21st April, 2015 and they had separated in the year 2020. They were blessed with a child who is presently 4 years' old and is in the care and custody of the petitioner-wife who is residing with her parents and has no independent source of income. Therefore, she is unable to travel

all the way to Jamshedpur to attend the hearings in the Divorce Petition filed by the respondent-husband.

4. Counter affidavit in opposition to the Transfer Petition has been filed however, the averments made therein are on merits which this Court does not propose to go into in view of the limited scope of the transfer petition.

4A. Having regard to the submissions made by the learned counsel for the petitioner-wife, it is deemed appropriate to allow the present petition.

5. Matrimonial Suit No. 328 of 2020, titled as "Chandra Shekhar Kumar vs. Nishi Devi" is directed to be transferred from the Court of the Principal Judge, Family Court, East Singhbhum at Jamshedpur, Jharkhand to the Court of the Principal Judge, Family Court, Patna, Bihar. Let the records pertaining to Matrimonial Suit No. 328 of 2020 be also transferred forthwith to the concerned Court.

6. A copy of this Order be sent to the Court concerned, to do the needful.

7. Pending application(s), if any, stands disposed of.

.....J
(HIMA KOHLI)

New Delhi
Date: 25.10.2021.

CORRECTED*

ITEM NO.14 Court 17 (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

Transfer Petition(Civil) No.1207/2020

NISHI DEVI @ NISHI KUMARI Petitioner(s)

VERSUS

CHANDRA SHEKHAR KUMAR Respondent(s)

(IA No. 111061/2020 - STAY APPLICATION)

Date : 25-10-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) *Mr. Kumar Parimal, Adv.
Mr. Smarhar Singh, AORFor Respondent(s) Mr. Anil Kumar Sahu, Adv.
Mr. Arvind Gupta, AOR
Mr. Sanchit Maheswari, 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 application(s), if any, stands disposed of.

(SHRADDHA MISHRA)
SENIOR PERSONAL ASSISTANT(RAM SUBHAG SINGH)
BRANCH OFFICER

(Signed Order is placed on the file)