

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.1204 OF 2020

PREETI

PETITIONER(S)

VERSUS

JITENDRA KUMAR SHUKLA

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

The petitioner seeks transfer of a divorce petition under Section 13 of the Hindu Marriage Act, 1955 instituted by the respondent/husband in the Court of Principal Judge, Family Court, Raebareli to the Saket Family Court, South Delhi, New Delhi. The ground on which such transfer is asked for is that the petitioner is a lady of limited means having no source of income and she is having to bear the responsibility of bringing up a minor son aged about 9 years old. It has been specifically pleaded that the petitioner has no source of income and is living with her aged mother in New Delhi. The respondent has filed a counter affidavit. He has stated in the counter affidavit that the petitioner is working in a non-governmental organization by the name of 'Nishtha Foundation' situated at Kalkaji, New Delhi and is drawing more than 15,000/- as

salary per month. It has also been stated that the parents of the petitioner own two flats and mother of the petitioner is getting monthly rent from such flats. These pleadings are contained in paragraph 1 of the counter affidavit, which has been verified as true to the knowledge of the deponent thereof, being the husband (respondent). Source of such knowledge has not been disclosed and no evidence of petitioner's earning has been disclosed either. In course of hearing, question was posed to the learned counsel for the respondent as to what was the source of the respondent's knowledge about gainful employment of the petitioner. Learned counsel representing him could not apprise this court on that count. As regards the income from the flats is concerned, the pleading of the husband itself states that the flats belong to the parents of the petitioner. Income of parents of the petitioner cannot be treated to be her own income.

In these circumstances, I am satisfied that the petitioner has made out a case for transfer of the divorce petition from the Family Court at Raebareli, U.P. to Saket Family Court, South Delhi, New Delhi. I order accordingly.

Let the records of the Matrimonial Case/666/2020 titled 'Jitendra Kumar Shukla Vs. Preeti' pending in the Court of Principal Judge, Family Court, Raebareli, U.P. be transferred to Saket Family Court, South Delhi, New Delhi. The transferee court shall conduct the proceeding from the stage at which the matter was pending in the Family Court

at Raebareli.

The transfer petition is, accordingly, allowed

.....J.  
(ANIRUDDHA BOSE)

New Delhi;  
November 16, 2021

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s).1204/2020

PREETI

Petitioner(s)

VERSUS

JITENDRA KUMAR SHUKLA

Respondent(s)

(FOR ADMISSION and IA No.110843/2020-EX-PARTE STAY)

Date : 16-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Rajeev Kumar Bansal, AOR  
Mr. Girish Patel, Adv.

For Respondent(s) Mr. Karunakar Mahalik, AOR  
Mr. C.P. Singh, Adv.  
Mr. Ashok Sharma, Adv.  
Mr. Sarbendra Kumar, 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.

(ARJUN BISHT)  
COURT MASTER (SH)

(PRADEEP KUMAR)  
BRANCH OFFICER

(signed order is placed on the file)