

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.1382/2020

AMBUJAM ACHUTHAN

Petitioner(s)

VERSUS

MANOHARAN K.K

Respondent(s)

O R D E R

The petitioner (wife) seeks transfer of O.P. No.728 of 2020 titled as "Manoharan K.K. Vs Ambujam Achuthan" filed by the respondent (husband) under Section 13 (ia) of the Hindu Marriage Act, 1955 which is pending before the Family Court, Irinjalakuda Trissur, Kerala to the Family Court, Bengaluru, Karnataka.

The marriage between the parties was solemnized on 13-3-2019.

It appears that this is the second marriage of both the parties, but unfortunately they have not been able to stay together, as a result of which, the respondent (husband) has filed the above Divorce Case against the petitioner.

The petitioner has recently retired from the Tamil Nadu Electricity Board and submits that it would be difficult for her to travel to Kerala to defend the Divorce Petition.

Therefore, the petitioner seeks transfer of above-mentioned Divorce Case from Kerala to Family Court, Bengaluru, Karnataka.

Since the respondent has not appeared despite service of notice and the petitioner's allegations have not been controverted,

we allow transfer of O.P. No.728 of 2020 titled as "Manoharan K.K. Vs Ambujam Achuthan" filed by the respondent (husband) under Section 13 (ia) of the Hindu Marriage Act, 1955 pending before the Family Court, Irinjalakuda Trissur, Kerala to the Family Court, Bengaluru, Karnataka.

The records be forwarded to the transferee Court forthwith.

However, we are inclined to direct the learned Family Court, Bengaluru, Karnataka that keeping in view the age of the petitioner and respondent, the matter shall firstly be referred to the Mediation Centre and earnest efforts shall be made to get the matrimonial disputes amicably resolved, before the Court proceeds on merits

.....J
(SURYA KANT)

.....J
(J.B. PARDIWALA)

NEW DELHI
5TH SEPTEMBER, 2022

ITEM NO.50

COURT NO.14

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.1382/2020

AMBUJAM ACHUTHAN

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MANOHARAN K.K

Respondent(s)

(FOR ADMISSION and IA No.124841/2020-EX-PARTE STAY and IA No.124843/2020-EXEMPTION FROM FILING O.T.)

Date : 05-09-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Jogy Scaria, AOR
Ms. Beena Victor, Adv.
Ms. M. Priya, Adv.
Ms. Varsha Awana, Adv.
Mr. Vinod Yadav, Adv.

For Respondent(s)

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 filed in the matter also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
BRANCH OFFICER

(Signed Order is placed on the file)