

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO.2035/2019

CHOWDAVARAM SWATHI PETITIONER(S)

VERSUS

S.B. BASAVA PRABHU RESPONDENT(S)

WITH

TRANSFER PETITION (C) NO.2204/2019

BASAVA PRABHU S.B. PETITIONER(S)

VERSUS

CHOWDAVARAM SWATHI RESPONDENT(S)

O R D E R

T.P.(C) NO.2035/2019

1. Heard counsel for the parties.
2. Perused the affidavit dated 14.02.2020 and certificate dated 13.02.2020 issued by the competent authority disclosing the fact that the respondent is the only pediatrician in the concerned Centre (District Early Intervention Centre) and has been assigned specific roles and responsibilities to take care of specially abled children and the regularity of the respondent is very much required to run the Centre. Hence, we

decline to transfer the case bearing MAT No.52/2019 titled 'S.B. Basava prabhu vs. Chowdavaram Swathi' pending before the Family Court, Ballari, Karnataka, as prayed by the petitioner. The transfer petition is accordingly dismissed.

3. However, we direct the Family Court to conclude the trial within three months from today.

T.P.(C) NO.2204/2019

1. For the reasons recorded in the accompanying Transfer Petition (C) No.2035/2019, in the peculiar facts of the present case and in the interest of justice, we deem it appropriate to transfer case bearing O.P. No.320 of 2019 titled '*Chowdavaram Swathi vs. Basava Prabhu S.B.*' pending before the Family Court at Kukatpally, Telangana to the Family Court at Ballari, Karnataka. We order accordingly.

2. The transferred case be tried by the same Court taking up the companion proceeding between the parties and to be disposed of expeditiously and not later than three months from today.

3. The transfer petition is accordingly allowed.

4. On receipt of the case records, the transferee Court is directed to make all endeavour for amicable settlement or for early decision in the case without unnecessary adjournments.

5. It will be open to the respondent-wife to apply to the Family Court, Ballari, Karnataka to provide her litigation costs including travel, lodging and boarding charges etc. That prayer be considered appropriately.

....., J.
(A.M. KHANWILKAR)

....., J.
(DINESH MAHESHWARI)

NEW DELHI
FEBRUARY 25, 2020

ITEM NO.21

COURT NO.7

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). 2035/2019

CHOWDAVARAM SWATHI

Petitioner(s)

VERSUS

S.B. BASAVA PRABHU

Respondent(s)

(FOR ADMISSION and IA No.121906/2019-STAY APPLICATION)

WITH

T.P.(C) No. 2204/2019 (XVI-A)

(FOR ADMISSION and IA No.135993/2019-EX-PARTE STAY

IA No. 135993/2019 - EX-PARTE STAY)

Date : 25-02-2020 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE A.M. KHANWILKAR

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. H. Chandra Sekhar, AOR
Mr. Snehasish Mukherjee, AOR

For Respondent(s) Mr. Gowtham Polank, Adv.
Mr. Snehasish Mukherjee, AOR

Mr. H. Chandra Sekhar, AOR

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

T.P.(C) NO.2035/2019

The transfer petition is dismissed in
terms of the signed order.

T.P.(C) NO.2204/2019

The transfer petition is allowed in terms
of the signed order.

(NEETU KHAJURIA)
COURT MASTER

(PARVEEN KUMARI PASRICHA)
BRANCH OFFICER

(Signed order is placed on the file.)