

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION(C) No.1428 OF 2020

LEENU TIWARI

... PETITIONER

Versus

PRAVEEN KUMAR SARASWAT

... RESPONDENT

O R D E R

1. The petitioner - wife seeks transfer of H.M.A. No.1065/2020, titled as "Praveen Kumar Saraswat vs. Mrs. Leenu Tiwari", filed by the respondent - husband under Section 13(1)(ia) (ib)(iii) of the Hindu Marriage Act, 1955, for dissolution of marriage, which is pending before the Principal District Judge, Family Court, District Courts, Gurugram, Haryana. The petitioner - wife seeks transfer of the afore-stated case to the Family Court at Gwalior, Madhya Pradesh.

2. The marriage between the parties was solemnized on 16.04.2019. It has been averred by the petitioner - wife in the instant petition that she was compelled to move out of respondent's house in Gurugram, Haryana and she is presently residing with her parents at Gwalior, Madhya Pradesh.

3. Notice to the respondent was issued on 22.02.2021 and pursuant to the said order, the respondent has put in appearance through a learned counsel. However, no one has entered appearance on behalf of the respondent - husband so far. On 27.07.2022 and 12.09.2022 also, no one had appeared on behalf of the respondent - husband.

4. This Court vide order dated 12.09.2022 directed the Registry to inform the counsel for the respondent that no further

adjournment shall be granted and the matter shall be finally heard on the next date of hearing.

5. As per the Office Report dated 22.09.2022, the above-mentioned order has been communicated to the learned counsel for the respondent through a letter dated 15.09.2022 on E-mail on 16.09.2022 but no one has appeared today on his behalf.

6. We have heard learned counsel appearing on behalf of the petitioner - wife and gone through the counter affidavit filed by the respondent - husband.

7. Taking into consideration the averments made by the petitioner - wife in the instant petition, we are of the view that the matter should be transferred to the place where the petitioner - wife is presently residing.

8. The Transfer Petition is, accordingly, allowed and H.M.A. No.1065/2020, titled as "Praveen Kumar Saraswat vs. Mrs. Leenu Tiwari", pending before the Principal District Judge, Family Court, District Courts, Gurugram, Haryana is ordered to be transferred to the Family Court at Gwalior, Madhya Pradesh. The records be forwarded to the Transferee Court forthwith.

9. As a sequel to the above, pending interlocutory applications also stand disposed of.

.....J.
(SURYA KANT)

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

NEW DELHI;
SEPTEMBER 23, 2022.

ITEM NO.55

COURT NO.13

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).1428/2020

LEENU TIWARI

Petitioner(s)

VERSUS

PRAVEEN KUMAR SARASWAT

Respondent(s)

(FOR ADMISSION and I.R. and IA No.128537/2020-EX-PARTE STAY
IA No.128537/2020 - EX-PARTE STAY
IA No.90415/2021 - EXEMPTION FROM FILING O.T.)

Date : 23-09-2022 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. Varun Singh, Adv.
Mr. Smarhar Singh, AOR
Mr. Abhitosh Pratap Singh, Adv.

For Respondent(s) Ms. Seita Vaidyalingam, AOR(NP)

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

1. The Transfer Petition is allowed in terms of the signed order.
2. The records be forwarded to the Transferee Court forthwith.
3. As a sequel to the above, pending interlocutory applications also stand disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)