

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1512 OF 2020

GANGA DANGWAL PETITIONER(S)

VERSUS

RINKU KAUSHIK RESPONDENT(S)

O R D E R

The petitioner-wife seeks transfer of the proceedings instituted by the respondent-husband in DMC/482/2020 titled as "*Rinku Kaushik vs. Ganga Dangwal*" pending before the Additional Principal Judge, Family Court, Sonipat to the Family Court at Nainital, Uttarakhand, or any other court of competent jurisdiction in Uttarakhand.

This Court takes notice of the Order passed by a Co-ordinate Bench dated 15.11.2021. The order reads thus :

"1. The present 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 Divorce Petition filed by the respondent husband under Section 13(1) of the Hindu Marriage Act, 1955 being DMC/482/2020, titled as "*Rinku Kaushik vs. Ganga Dangwal*" from the Court of the Additional Principal Judge, Family Court, Sonipat, Haryana to the Family Court at Nainital, Uttarakhand.

2. Appearance is entered by the learned counsel for the respondent who has not filed a counter affidavit though the respondent-husband was served with the summons in the present petition as long back, as in the month of July, 2021.

3. Having interacted with the learned counsel for the parties and in view of the submissions made by them that if the parties are referred to mediation there is a likelihood of their arriving at a negotiated settlement, they are directed to appear before a Learned Mediator to be appointed by the Supreme Court Mediation Centre for participating in mediation through virtual mode without prejudice to the rights and contentions of the parties. All the pending disputes between the parties shall be placed before the Learned Mediator for a one time negotiated settlement, if possible. The parties shall appear before the Learned Mediator on 24th November, 2021 at 02.30 p.m.

4. List after three months to await the report of the Supreme Court Mediation Centre.

5. Till further orders, the stay order passed on 12.02.2021, shall continue to operate."

Learned counsel appearing for the parties submitted that the mediation has failed. This Court takes notice of the fact that the marital life span of the parties is just about one year. Fortunately, no issue has been born in the wedlock. This Court would still impress upon both the sides to resolve

the dispute amicably. It will be in the interest of both the sides if the marriage is dissolved.

However, having regard to the submissions canvassed in either side and also considering the averments made in this petition, the aforesaid proceedings are ordered to be transferred to the Family Court at Nainital, Uttarakhand.

The Family Court at Nainital, Uttarakhand before proceeding with the hearing of the suit instituted by the husband for divorce, shall make one more endeavour to speak to the parties and convince them to resolve the controversy.

It shall be open to the respondent-husband to request the Family Court at Nainital, Uttarakhand to permit him to appear virtually.

Let the record of the case be transferred without delay.

In view of the aforesaid, this transfer petition stands disposed of. Pending application(s), if any, shall also stand disposed of.

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

NEW DELHI  
16<sup>th</sup> MARCH, 2023

ITEM NO.1601

COURT NO.17

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). 1512/2020

GANGA DANGWAL

Petitioner(s)

VERSUS

RINKU KAUSHIK

Respondent(s)

(Mediation Report has been received. )

Date : 16-03-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Ravindra Sadanand Chingale, AOR

For Respondent(s) Mrs. Yugandhara Pawar Jha, AOR  
Mr. Aman Pathak, Adv.UPON hearing the counsel the court made the following  
O R D E R

The transfer petition stands disposed of in terms of the signed order. Pending application(s), if any, shall also stand disposed of.

(Geeta Ahuja)  
Assistant Registrar-cum-PS

(Beena Jolly)  
Court Master

(Signed Order is placed on the file)