

ITEM NO.5 Court 16 (Video Conferencing) 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). 196/2021

NIDHI MAHESH DARJI & ORS. Petitioner(s)

VERSUS

DIVYAKANT ARVINDKUMAR ACHARYA & ORS. Respondent(s)

(FOR ADMISSION and IA No.16386/2021-EX-PARTE STAY)

Date : 12-02-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s)

Mr. O. P. Bhadani, AOR

For Respondent(s)

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

Heard Mr. O. P. Bhadani, learned counsel for the petitioners. The Transfer Petition is filed for transfer of the Succession Case No. 486 of 2015 from the Court at Pune to a competent Court at Gandhidham, Kutch, Gujarat.

The proceedings before the Pune Court was initiated by the family members of the deceased *Rasendra Acharya* and it was started in the year 2015 where the petitioners were arrayed as respondents. Earlier to this, in M.A. No. 839 of 2013, the respondent no.1 *Dr. Divyakant Arvindkumar Acharya* obtained probate in respect of the Will of his mother Late *Smt. Jambuvanti Arvindkumar Acharya*, who was the successor of her deceased son *Rasendra Acharya*.

Mr. O.P. Bhadani, learned counsel submits that the petitioners

are all ladies and since the concerned assets are in the Gandhidham Branch of the State Bank of India and the Post Office, it will be appropriate to transfer the proceedings from Pune to the Ghandhidham Court.

It is however seen that the petitioners in the Misc. Application No. 486 of 2015 are all senior citizens and they will suffer similar difficulty if the proceedings are transferred. Moreover, the earlier proceedings by respondent no.1 was conducted in the Pune Court. It must also be borne in mind that the concerned proceeding is pending in the Pune Court since last many years and only now the petitioners have filed this Transfer Petition.

Considering the above, this Court is disinclined to entertain this Transfer Petition and the same is accordingly dismissed.

(JATINDER KAUR)
SENIOR PERSONAL ASSISTANT

(ANITA RANI AHUJA)
ASSISTANT REGISTRAR