

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No(s). 197/2020

KRITIKA PRASHANT

Petitioner(s)

VERSUS

PRASHANT GUPTA

Respondent(s)

O R D E R

This Transfer Petition has been filed by the petitioner-wife under Section 25 of the Code of Civil Procedure, 1908, seeking transfer of the MAT Suit No. 2609 of 2019, titled as "*Prashant Gupta versus Kritika Prashant*", pending on the file of the Court of District Judge, Barasat at Kolkata, West Bengal to the Family Court at Bhopal, Madhya Pradesh.

On perusal of the office report dated 12th May, 2022, it is noted that no one has entered appearance on behalf of the respondent-husband although the respondent-husband has been served by this Court.

In the circumstances, I have heard learned counsel for the petitioner-wife only.

Learned counsel for the petitioner-wife submitted that the petitioner-wife is presently residing at Bhopal, Madhya Pradesh and she is looking after a three years old minor child and that the petitioner-wife has financial

constraints and it would be difficult for her to contest the Divorce Petition filed by the respondent-husband herein, at Barasat, Kolkata, West Bengal. In the circumstances, the petitioner-wife has sought transfer of the aforesaid proceedings to the Family Court at Bhopal, Madhya Pradesh where the petitioner-wife is residing.

As noted above, although the respondent-husband has been served, he has not entered appearance either through counsel or in person.

Having heard learned counsel for the petitioner-wife and on perusal of the material on record, I find that the petitioner-wife has made out a case for transfer of the aforesaid petition owing to the reasons cited above.

Hence, Transfer Petition No. 197/2020 is allowed.

Accordingly, the MAT Suit No. 2609 of 2019, which is pending in the Court of District Judge, Barasat at Kolkata, West Bengal, is ordered to be transferred to the Family Court at Bhopal, Madhya Pradesh.

Pending application(s), if any, shall stand disposed of.

.....J.
(B.V. NAGARATHNA)

New Delhi
18th May, 2022

ITEM NO.1612

COURT NO.11

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

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Respondent(s)

IA No. 17762/2020 - EXEMPTION FROM FILING O.T.
IA No. 17761/2020 - STAY APPLICATION)

Date : 18-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Vaibhav Joshi, AOR
Mr. Siddhant 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 application(s), if any, shall stand disposed of.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(NISHA TRIPATHI)
ASSISTANT REGISTRAR

(signed order is placed on the file)