

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C. NO. 2439 OF 2019)

SHIVANI HEGDE

PETITIONER(S)

VERSUS

RITHVIK RAMCRISHNA HEGDE

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

The petitioner-wife has brought this action under Section 25 of the Code of Civil Procedure seeking transfer of petition filed by the respondent-husband under Sections 13 and 26 of the Hindu Marriage Act, 1955 to a Court of competent jurisdiction in Bengaluru.. That petition has been filed in the Family Court at Bandra, Mumbai, Maharashtra and has been registered as A-1735 of 2019 (Rithvik Ramcrishna Hegde Vs. Shivani Hegde). Learned counsel for the respondent has not opposed this plea. But her submission is that the wife has instituted a proceeding under the Protection of Women from Domestic Violence Act, 2005 before the Court of learned Metropolitan Magistrate, Traffic Court, Bangalore, Karnataka, and that proceeding may also be heard simultaneously with the aforesaid petition. That proceeding has been registered as CrI. Misc. No. 171/2019.

Learned counsel for the respondent has brought to my notice the provisions of Section 26 of the 2005 Act in support of her submission that the Family Court is also vested with the jurisdiction to adjudicate matters arising out of that statute.

Having heard learned counsel appearing for the parties I am satisfied that it would be in the interest of justice if Matrimonial Petition No. A-1735 of 2019 titled as "Rithvik Ramcrishna Hegde Vs. Shivani Rithvi Hegde", pending before the Family Court, Bandra, Mumbai, Maharashtra is transferred to the Principal Judge, Family court at Bengaluru, Krnataka.

So far as the proceedings under the 2005 Act is concerned, learned counsel for the petitioner pointed out that such transfer would be within the same State and proper forum for making such application would be the High Court of Karnataka. I am of the view that if the complaint under the 2005 Act is heard along with Matrimonial Petition No. A-1735/2019 provided the reliefs claimed by the petitioner-wife comes within the ambit of the provisions specified in Section 26(1) of the 2005 Act, that would prevent multiplicity of proceedings between the parties. But I also agree with the petitioner's submission that for seeking directions in that

regard, the respondent-husband would have to apply before the appropriate Forum in the State of Karnataka. In the event any application to that effect is filed, it has been submitted on behalf of the petitioner-wife that she would not oppose such plea so that the dispute between the parties can be comprehensively resolved. I accordingly direct transfer of Matrimonial Petition No. A-1735 of 2019 titled "Rithvik Ramcrishan Hegde Vs. Shivani Rithvik Hegde", Pending in the Family Court, Bandra, Mumbai, Maharashtra to the Court of Principal Judge, Family Court, Bengaluru in the State of Karnataka.

The Family Court, Bandra, shall send the case records to the transferee Court promptly and without any delay. On receiving the records, the transferee Court shall make efforts to have the disputes between the parties resolved amicably. If such efforts fail, then the petition shall be disposed of on its own merits.

The Transfer Petition is allowed in the aforesaid terms.

.....J.
(ANIRUDDHA BOSE)

New Delhi;
16th June, 2020.

ITEM NO.7

Virtual Court 6

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). 2439/2019

SHIVANI HEGDE

Petitioner(s)

VERSUS

RITHVIK RAMCRISHNA HEGDE

Respondent(s)

(IA No.153731/2019-STAY APPLICATION
IA No. 171314/2019 - APPROPRIATE ORDERS/DIRECTIONS)

Date : 16-06-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. B.Sridhar,Adv.
Mrs. Kanchan Kaur Dhodi, AOR

For Respondent(s) Ms. Mrunalini Deshmukh,Adv.
Mr. Mahesh Agrawala,Ad.
Mr. Shubham Kulshreshtha,Adv.
Mr. E. C. Agrawala, AOR

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

Transfer Petition is allowed in terms of the signed order.
Pending applications, if any, stand disposed of.

(SUMAN WADHWA)
AR-cum-PS

(DIPTI KHURANA)
COURT MASTER (NSH)

Signed order is placed on the file.