

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (CIVIL) NO. 2800 OF 2019

MOUMITA CHAKRABORTY ... PETITIONER

versus

GERARD ROGER OMAR KHAN ... RESPONDENT

O R D E R

This petition has been filed by the petitioner (wife) under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of the M.C. No.2433 of 2019 titled as *Mrs. Moumita Chakraborty vs. Mr. Gerard Roger Omar Khan* pending before the Principal Family Judge, Family Court at Bangaluru, Karnataka to the competent court, Alipore, Kolkata, West Bengal.

Heard Mr. Kunal Chatterjee, learned counsel for the petitioner. Despite notice being effected on the sole respondent (husband), he is yet to enter his appearance.

Learned counsel for the petitioner submits that the petitioner is currently residing at Kolkata with her minor daughter in her parental home. Besides, the two petitions filed by the wife claiming custody, alimony and the divorce case against the respondent are pending in the Kolkata court. Mr. Chatterjee next submits that although interim maintenance was ordered by the competent court on 2.7.2019 for the petitioner and the minor daughter, the respondent has failed to pay any maintenance.

Having considered the facts and circumstances of the case, I deem it fit and proper to allow the transfer petition. Accordingly, the M.C. No.2433 of 2019 titled as *Mrs. Moumita Chakraborty vs. Mr. Gerard Roger Omar Khan* pending before the Principal Family Judge, Family Court at Bangaluru, Karnataka is transferred to the competent court, Alipore, Kolkata, West Bengal. The transferee court shall make an endeavour to dispose of the cases expeditiously.

Let the records of the case be transferred to the concerned court without delay.

The Transfer Petition is, accordingly, allowed.

.....J.
(HRISHIKESH ROY)

NEW DELHI;
MAY 26, 2020.

ITEM NO.6

Virtual Court-08

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 (Civil) No.2800/2019

MOUMITA CHAKRABORTY

Petitioner(s)

VERSUS

GERARD ROGER OMAR KHAN

Respondent(s)

IA No. 182108/2019 - EX-PARTE STAY)

Date : 26-05-2020 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Kunal Chatterji, AOR
Ms. Maitrayee Banerjee, Adv.
Mr. Sumitava Chakraborti, Adv.
Mr. Barnomoy Basak, Adv.
Mr. Pravar Veer Misra, Adv.

For Respondent(s)

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

The Court is convened through video conferencing.

The Transfer Petition is allowed in terms of signed order.

Pending application(s), if any, shall stand dismissed.

(GULSHAN KUMAR ARORA)
AR-CUM-PS

(R.S. NARAYANAN)
COURT MASTER

(Signed order is placed on the file)