

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 293 OF 2020

ROHINI

PETITIONER(S)

VERSUS

VIVEK AGARWAL

RESPONDENT(S)

O R D E R

Heard the learned counsel appearing for the petitioner-wife.

The prayer in this petition is for transfer of a petition for restitution of conjugal rights filed by the respondent which is pending in the court of the Principal Judge, Family Court, Agra, Uttar Pradesh.

The transfer is sought on the ground that the petitioner is a resident of Chandigarh and the distance between her place of residence and the court in which the case is pending is about 500 kilometers.

The Learned counsel appearing for the petitioner has pointed out that a petition under Section 125 of the Code of Criminal Procedure, 1973 filed by the petitioner is pending in the Court of learned Judicial Magistrate, Ist Class,

Chandigarh. Even a prosecution against the respondent for the offence punishable under Section 498-A of IPC is pending in the competent Court at Chandigarh. He stated that both the proceedings are being contested by the respondent.

Apart from the grounds made out in the petition, in view of the pendency of two other proceedings in the competent Courts at Chandigarh, a case is made out for passing an order of transfer.

Accordingly, the transfer petition is allowed. HMA petition bearing Matrimonial Case No.1791 of 2017 titled as "Vivek Agarwal vs. Rohini" pending before the Principal Judge, Family Court, Agra is hereby transferred to the Family Court at Chandigarh.

Let the record of the case(s) be transferred without delay.

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

.....J
(ABHAY S. OKA)

NEW DELHI;
DECEMBER 11, 2021

