IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(s)(CIVIL) NO. 191/2020

POOJA MADDOLKAR **Petitioner(s)**

VERSUS

DARSHAN RAMESH MADDOLKAR **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 Divorce Petition No. A-2557/2015, titled as *"Mr. Darshan Ramesh Maddolkar vs Smt. Pooja Darshan Maddolkar"* pending before the Family Court at Bandra, Mumbai, Maharashtra, to the Family Court at Bengaluru, Karnataka.

I have heard learned counsel for the petitioner-wife and learned counsel for the respondent-husband and perused the material on record.

During the course of submissions, the counsel for the petitioner-wife submitted that one of the reasons for seeking transfer of the aforesaid Divorce Petition is, there are two other proceedings which have been filed by the petitioner-wife in Bengaluru, Karnataka namely:

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Date: 2024.05.24 14:02:35 IST
Reason:

a) **Maintenance Petition vide Crl. Misc. No. 793/2019 for seeking maintenance under Section 125 of the Cr.P.C., which is pending before the Court of Principal Judge, Family Court at Bengaluru and**

b) **Petition under Section 12 of the Domestic Violence Act, 2005 R/w Section 200 of the Cr.P.C., 1973 vide Cr.Misc-38/2016 which is also pending before the Court of Metropolitan Magistrate at Bengaluru.**

It was submitted that the respondent-husband is appearing in those proceedings in Bengaluru, Karnataka and contesting the same. Further, the petitioner-wife is residing at Bengaluru with her parental family and it is difficult for her to contest the aforesaid Divorce Petition at Mumbai, Maharashtra.

In the circumstances, learned counsel for the petitioner-wife submitted that the prayer, sought for, by the petitioner-wife in this petition for seeking transfer, may be granted.

***Per contra*, the learned counsel for the respondent-husband brought to my notice the fact that the aforesaid Divorce Petition is at the stage of respondent-husband's evidence and the petitioner-wife has been paid the requisite travel allowances so as to enable her to contest the petition effectively.**

Learned counsel for the respondent-husband further submitted that, but for the stay, granted by this Court

vide order dated 3rd February, 2020, the proceedings before the Family Court, Bandra, Mumbai, Maharashtra, may have been concluded and that at a very crucial stage, the petitioner-wife herein, has filed this frivolous petition seeking transfer of the proceeding from the Family Court, Bandra, Mumbai, Maharashtra to the Family Court at Bengaluru, Karnataka.

Learned counsel for the respondent-husband therefore, submitted that this petition may be dismissed.

Having heard learned counsel for the respective parties and on perusal of the material placed on record, it is noted that while the aforesaid petition seeking divorce is pending before the Family Court at Bandra, Mumbai, Maharashtra, the respondent-husband herein, is contesting two other proceedings which have been filed by the petitioner-wife herein, before the competent Courts at Bengaluru, Karnataka.

Further, petitioner-wife is also residing with her parents at Bengaluru, Karnataka.

In the circumstances, it would be just and proper for the aforementioned divorce petition also, to be transferred from the Family Court at Bandra, Mumbai, Maharashtra to the Family Court at Bengaluru, Karnataka.

Accordingly, the Divorce Petition No. A-2557/2015, titled as *"Mr. Darshan Ramesh Maddolkar vs Mrs. Pooja Darshan Maddolkar"* pending before the Family Court at

Bandra, Mumbai, Maharashtra is ordered to be transferred to the Family Court at Bengaluru, Karnataka.

Further, the aforesaid Divorce Petition be tagged together along with the petition being Crl. Misc. No. 793/2019, filed by the petitioner-wife herein, under Section 125 Cr.P.C., which is pending before the Principal Judge, Family Court at Bengaluru, Karnataka.

Since a Petition, which has been filed by the petitioner-wife herein, under Section 125 of the Cr. P.C. is already pending before the Principal Judge, Family Court at Bengaluru, Karnataka, the parties are directed to appear before the said Court on 25th May, 2022 in the said petition so as to enable the Divorce Petition No. A-2557/2015, titled as *"Mr. Darshan Ramesh Maddolkar vs Mrs. Pooja Darshan Maddolkar" may* be clubbed along with the petition filed by the petitioner-wife herein, under Section 125 Cr.P.C. Since, the proceedings have been completed to a substantial extent, the parties are directed to co-operate with the concerned Court for an expeditious disposal of the cases.

The Transfer Petition is allowed and disposed of in the above terms.

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

New Delhi
18th May, 2022

ITEM NO.1611 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
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 191/2020

POOJA MADDOLKAR Petitioner(s)

VERSUS

DARSHAN RAMESH MADDOLKAR Respondent(s)

IA No. 9424/2020 - EX-PARTE STAY
IA No. 27912/2021 - EXEMPTION FROM FILING O.T.

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

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Pramit Chhetri, Adv.
Mr. C.B. Gururaj, Adv.
Mr. Prakash Ranjan Nayak, AOR
Mr. K.P. Singh, Adv.
Ms. Bhawana Chhetri, Adv.

For Respondent(s) Ms. Tanya Agarwal, Adv.
Mrs. Shubhangi Tuli, AOR

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

The Transfer Petition is allowed and disposed of in terms of the signed order.

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

(NISHA KHULBEY) **(NISHA TRIPATHI)**
SENIOR PERSONAL ASSISTANT **ASSISTANT REGISTRAR**
(signed order is placed on the file)