

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
Transfer Petition(Civil) No. 52 of 2019

Mahima Nanda

... Petitioner

Versus

Nishant Nanda

... Respondent

ORDER

- 1 This transfer petition has been filed by the petitioner-wife for transfer of MC Petition No 480 of 2018 titled "Nishant Nanda vs "Mahima Nanda" from the Court of Additional District Judge-7, SAS Nagar, Mohali, Punjab to the Family Court at Surajpur, Gautam Budh Nagar, Uttar Pradesh.
- 2 We have heard learned counsel for the parties.
- 3 Notice was issued in the transfer petition on 22 April 2019. While issuing notice this Court directed a stay of further proceedings in MC Petition No 480 of 2018 pending before the Additional District Judge-7, SAS Nagar, Mohali, Punjab.
- 4 Before the Court issued notice, an ex-parte decree for divorce was passed by the Additional District Judge-7, SAS Nagar, Mohali, Punjab on 7 March 2019.
- 5 Counsel appearing on behalf of the petitioner states that the petitioner has moved the trial court where the decree for divorce was passed for setting aside the ex-parte order. However it has been stated that the application for restoration could not be taken up because of the stay which was operating in the proceedings in the transfer petition.
- 6 Counsel for the respondent states that in the meantime the respondent has contracted another marriage on 20 February 2022. The respondent who is

present in Court accepts the position.

7 During the course of the hearing it is common ground between the counsel appearing on behalf of the petitioner as well as counsel appearing on behalf of the respondent that the petitioner and the respondent reside at Noida, Uttar Pradesh.

8 In this view of the matter we direct transfer of all proceedings in MC Petition No 480 of 2018 which was instituted before the Additional District Judge-7, SAS Nagar, Mohali, Punjab to the Family Court at Surajpur, Gautam Budh Nagar, Uttar Pradesh. The application for setting aside the ex-parte decree shall also be transferred to and be heard by the transferee Court.

9 The transfer petition is accordingly disposed of.

10 The transferor Court shall forthwith transmit the record of the aforesaid case to the transferee Court.

11 After transfer of the petition, the transferee Court is directed to make all endeavour either for amicable settlement or for early decision in the matter without unnecessary adjournments.

12 Pending application(s), if any, stands disposed of.

..... CJI.
[Dr Dhananjaya Y Chandrachud]

..... J.
[Pamidighantam Sri Narasimha]

**New Delhi;
28 November 2022**

ITEM NO.3

COURT NO.1

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(Civil) No. 52/2019

MAHIMA NANDA

Petitioner(s)

VERSUS

NISHANT NANDA

Respondent(s)

(IA No. 12613/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES IA No. 4508/2019 - STAY APPLICATION)

Date : 28-11-2022 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE PAMIDIGHANTAM SRI NARASIMHA

For Petitioner(s) Ms. Pallavi Pratap, AOR
Ms. Prachi Pratap, Adv.
Dr. Prashant Pratap, Adv.
Mr. Akshay Singh, Adv.
Avadhi Jain, Adv.

For Respondent(s) Mr. Amit Pratap Singh, Adv.
Mr. Rahul Aggarwal, Adv.
Mr. Naveen Awana, Adv.
Ms. Gauri Saxena, Adv.
Mr. Pramit Saxena, AOR

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

- 1 Heard counsel for the parties.
- 2 The transfer petition is disposed of in terms of the signed order.
- 3 Pending application(s), if any, stands disposed of.

(MANISH ISSRANI)
COURT MASTER(SH)

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR

(SIGNED ORDER IS PLACED ON THE FILE)