

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S) (CIVIL) NO. 303 OF 2020

SWATI SUBIR GORADIA

Petitioner(s)

VERSUS

SUBIR AMIT GORADIA

Respondent(s)

Alongwith

TP(C)356/2020, TP(C)403/2020, TP(Crl.)134/2020, TP(Crl.)135/2020

O R D E R

1. The present petitions have been filed by the petitioner-wife, praying, *inter alia*, for transferring the five sets of matters pending between the parties as enumerated herein below:

- i. Custody petition CMA No. 116/2017, titled "*Subir Amit Goradia vs. Swati Subir Goradia*" filed by the respondent-husband.
- ii. Divorce petition being HMP No. 1158/2017, titled "*Subir Amit Goradia vs. Swati Subir Goradia*" filed by the respondent-husband.
- iii. Divorce petition being Family Suit No.819 of 2018, titled "*Swati Goradia vs. Subir Amit Goradia and Anr.*", filed by the petitioner-wife against the respondent-husband and another.
- iv. Maintenance petition being Crl. Misc. Application No.

1073 of 2018, titled "*Swati Subir Goradia & Anr vs. Subir Amit Goradia*", filed by the petitioner-wife against the respondent-husband.

- v. Domestic Violence case being Crl. Misc. Application No.1159 of 2018, titled "*Swati Subir Goradia vs. Subir Amit Goradia & Ors.*" filed by the petitioner-wife against the respondent-husband and her in-laws.

2. All the aforesaid petitions are presently pending before the competent Courts at Baroda, Gujarat. The petitioner-wife seeks transfer of the said petitions to the competent Courts at Mumbai, Maharashtra.

3. Heard the learned counsel for the parties. Ms Meenakshi Arora, Senior Advocate appearing for the respondent no.2 in the Divorce Petition filed by the petitioner-wife states that her client is residing and working for gain at Ahemdabad and is suffering from some ailments due to which she may face difficulty both on the health front and financially, to travel from Baroda to Mumbai.

4. Ms. Megha Jani, Advocate, who appears for the respondents no. 2 and 3 in Transfer Petition No. 135 of 2020, who happen to be the parents of the respondent-husband, submits that her clients are senior citizens and would find it difficult to travel from Baroda to Mumbai to attend the proceedings.

5. It is not in dispute that there are direct flights that connect Baroda and Ahemdabad and Baroda and Mumbai. Therefore, the difficulty expressed on the part of the parents of the respondent-

husband in travelling from Baroda to Mumbai is not persuasive. However, the financial difficulty expressed by Ms. Meenakshi Arora, Senior Advocate appearing on behalf of the respondent No.2 in Transfer Petition No. 403 of 2020 appears to be a valid ground. This Court has posed a query to Mr. Neeraj Kishan Kaul, Senior Advocate appearing for the petitioner-wife as to whether the petitioner would be willing to bear the commuting, boarding and lodging expenses that may be incurred by the respondent No.2, whenever she is summoned to appear before the competent Court at Mumbai. After obtaining necessary instructions, learned Senior Advocate states that the petitioner is willing to bear the expenses of travel and boarding/ lodging of the respondent No.2 whenever the concerned Court summons her to appear in the matter.

5. In view of the above, it is deemed appropriate to allow the present petitions and direct the concerned Courts to remit the relevant records forthwith from Baroda to the Competent Courts at Mumbai for the matter to proceed further from the point at which they were at the relevant point in time.

6. The petitions are disposed of along with the pending applications(s), if any.

.....J.
(HIMA KOHLI)

New Delhi
14th February, 2022

ITEM NO.1609 Court 16 (Video Conferencing) 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). 303/2020

SWATI SUBIR GORADIA

Petitioner(s)

VERSUS

SUBIR AMIT GORADIA

Respondent(s)

IA No. 26443/2020 - STAY APPLICATION)

WITH

T.P.(C) No. 356/2020 (XVI-A)

IA No. 28087/2021 - CLARIFICATION/DIRECTION

IA No. 30258/2020 - STAY APPLICATION)

T.P.(C) No. 403/2020 (XVI-A)

FOR

FOR STAY APPLICATION ON IA 33581/2020

FOR CLARIFICATION/DIRECTION ON IA 28080/2021

IA No. 28080/2021 - CLARIFICATION/DIRECTION

IA No. 33581/2020 - STAY APPLICATION)

T.P.(Cr1.) No. 134/2020 (XVI-A)

IA No. 28201/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 35319/2020 - EX-PARTE STAY)
T.P.(Cr1.) No. 135/2020 (XVI-A)

IA No. 28204/2021 - APPROPRIATE ORDERS/DIRECTIONS
IA No. 36544/2020 - STAY APPLICATION)

Date : 14-02-2022 These matters were called for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Neeraj Kishan Kaul, Sr. Adv.
Mr. Shohit Chaudhry, AOR

For Respondent(s) Dr. Abhishek Manu Singhvi, Sr. Adv.
Ms. Mrunalini Deshmukh, Adv.
Mr. Mahesh Agarwal, Adv.
Mr. Shubham Kulshreshtha, Adv.
Mr. Kamakshi Sehgal, Adv.
Mr. E. C. Agrawala, AOR

Mr. Sajan Poovayya, Sr. Adv.
Mr. Abhinav Agrawal, AOR

Ms. Meenakshi Arora, Sr. Adv.
Mr. Anand Varma, AOR

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

The Transfers Petitions are disposed of alongwith the pending
application (s), if any, in terms of the signed order.

(NISHA KHULBEY)
SENIOR PERSONAL ASSISTANT

(PREETHI T.C.)
COURT MASTER (NSH)

(The signed order is placed in the file)