

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

WRIT PETITION (C) NO.257 OF 2019

SUSHMA PANDITA THUSOO

PETITIONER(S)

VERSUS

RAHUL THUSOO

RESPONDENT(S)

O R D E R

Heard learned counsel for the parties.

This writ petition has been filed by the petitioner/wife for transferring the petition filed by the respondent/husband under Section 9 of the Hindu Marriage Act for restitution of conjugal rights from Gurgaon to Jammu. It is not disputed by the learned counsel for the parties that the divorce petition, filed by the petitioner, is pending in the Court of Additional District Judge (Matrimonial Cases), Jammu (J & K). The Section 9 petition has been filed by the respondent in the Court of Principal Judge, Family Court, Gurgaon (Haryana). It is submitted by learned counsel for the petitioner that it is very difficult for the petitioner to go to Gurgaon, Haryana to attend the hearing as she has seven years old daughter.

Having heard learned counsel for the parties and considering the facts and circumstances of this case,

particularly the fact that the divorce petition is pending in the Court of Additional District Judge (Matrimonial Cases), Jammu (J & K), we deem it fit to transfer the petition, being HMA No.59 of 2018, pending in the Court of Principal Judge, Family Court, Gurgaon (Haryana) to the Court of Additional District Judge (Matrimonial Cases), Jammu (J & K). Ordered accordingly.

Let the records of the case be transferred to the transferee Court without delay.

A joint request has been made by the learned counsel for the parties for expeditious disposal of the transferred case as well as the other cases pending before the transferee Court. We may only observe that the transferee Court shall make every endeavour to decide all the matters as expeditiously as possible.

The writ petition is, accordingly, disposed of. No order as to costs.

.....J.  
(VINEET SARAN)

.....J.  
(DINESH MAHESHWARI)

New Delhi;  
September 08, 2021

ITEM NO.18                      Court 9 (Video Conferencing)                      SECTION X

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Writ Petition(s)(Civil) No(s).257/2019

SUSHMA PANDITA THUSOO                      Petitioner(s)

VERSUS

RAHUL THUSOO                      Respondent(s)

(Mediation Report Received (Mediation Failed).  
IA No. 36690/2019 - EX-PARTE STAY)

Date : 08-09-2021 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE VINEET SARAN  
HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s)      Ms. Purnima Bhat Kak, AOR  
                                    Mr. Satish Chander Kaul, Adv.

For Respondent(s)      Mr. M.C. Dhingra, Adv.  
                                    Mr. Vikrant Yadav, Adv.  
                                    Mr. Gaurav Dhingra, AOR

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

The writ petition is disposed of in terms of the signed order.

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

(ARJUN BISHT)                      (PRADEEP KUMAR)                      (ASHWANI THAKUR)  
(COURT MASTER (SH)                      (BRANCH OFFICER)                      AR-CUM-PS  
                                    (signed order is placed on the file)