

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(S). 435 OF 2020

SOUMYA KAKHANDKI

PETITIONER(S)

VERSUS

UPPARA GUMMALA RAVINDRA KUMAR

RESPONDENT(S)

O R D E R

Heard the learned counsel for the petitioner and the learned counsel for the respondent.

The petitioner is the wife and the respondent is the husband. There is an unfortunate dispute between the petitioner-wife and the respondent-husband. It appears that there are four proceedings pending between the parties. One is the prosecution under Section 498A of Indian Penal Code filed at the instance of the petitioner-wife. The said case is pending in the Competent Court at Bengaluru. The second is the petition filed by the petitioner for restitution of conjugal rights which is pending in the Family Court at Bengaluru. The third one is the petition under Section 125 of the Code of Criminal Procedure, 1973 pending in the Family Court at Bengaluru. The fourth is the divorce petition filed by the respondent-husband in the Family Court at Hyderabad. The prayer for transfer of the divorce petition is made firstly on the ground that there are three proceedings already pending at Bengaluru and secondly, that the petitioner-wife is residing

at Bengaluru which is at a distance of 500 km from Hyderabad where the proceedings of divorce are pending.

There is a strong opposition to the petition by the learned counsel appearing for the respondent-husband. He states that the petitioner-wife is highly educated who has been attending the proceeding of divorce petition filed by the respondent-husband at Hyderabad. Secondly, he pointed out that affidavit in lieu of examination-in-chief has already been filed by the respondent-husband in his divorce petition and his cross-examination can be conducted through the facility of video conference. Lastly, the learned counsel appearing for the respondent submitted that considering the status of the petitioner-wife, the balance should not be tilted in favour of the petitioner only on the ground that she is a woman.

I have considered the submissions. As stated earlier, three proceedings filed at the instance of the petitioner-wife are already pending in the Courts at Bengaluru. One of the three proceedings is a petition for restitution of conjugal rights filed by the petitioner-wife. Ideally, a petition for restitution of conjugal rights and a petition for divorce filed by the rival party should be heard together as the evidence would be common at least to some extent. The respondent-husband is attending the three pending proceedings in Bengaluru. The respondent has not sought transfer of the said proceedings. Only on the ground that the petition filed by the petitioner for restitution of conjugal rights and the petition filed by the respondent for divorce are required to

be heard together, I deem it proper to exercise the power under Section 25 of the Code of Civil Procedure, 1908. Suitable directions can be issued for minimizing the inconvenience which may be caused to the respondent-husband as a result of the transfer.

Accordingly, the Transfer Petition is allowed by passing the following order(s):-

(1) The divorce petition bearing O.P.No. 2615/2018 titled as "Uppara Gummala Ravindra Kumar Vs. Soumya Kakhandki" pending before the Family Court of Ranga Reddy District at L.B.Nagar, Hyderabad is hereby transferred to the Court of the learned Principal Judge of Family Court at Bengaluru;

(2) The petition for restitution of conjugal rights filed by the petitioner-wife bearing M.C.No.6024/2018 pending before the Family Court at Bengaluru shall be heard along with the aforesaid transferred petition for divorce;

(3) The Criminal Misc.Suit No.809/2018 filed by the petitioner-wife under Section 125(1) of the Code of Criminal Procedure, 1973 shall also be clubbed with the above said petitions. The learned Principal Judge of the Family Court at Bengaluru shall ensure that all the three cases are either heard by him or he may assign them to one Court.

(4) Needless to say that if a request is made by the respondent-husband for recording of the evidence of his witnesses through video conference, the said facility shall be extended to the respondent-husband.

(5) If a request made by the parties, an endeavour shall be made to keep all four proceedings pending in various Courts in Bengaluru on the same date.

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

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

NEW DELHI;  
NOVEMBER 09, 2021.

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

ITEM NO.20

COURT NO.14

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 435/2020

SOUMYA KAKHANDKI

PETITIONER(S)

VERSUS

UPPARA GUMMALA RAVINDRA KUMAR

RESPONDENT(S)

( IA No. 135487/2020 - EXEMPTION FROM FILING AFFIDAVIT & IA No. 36964/2020 - STAY APPLICATION)

Date : 09-11-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s)

Mr. Pahlad Singh Sharma, AOR

For Respondent(s)

Mr. C.B.Gururaj, Adv.  
Mr. Pramit Chhetri, Adv.  
Mr. K.P.Singh, Adv.  
Mr. Prakash Ranjan Nayak, AOR

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

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

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

(NIRMALA NEGI)  
COURT MASTER (SH)

(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file)