

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.387 OF 2017

Debjani Dhir

Petitioner(s)

Versus

Prasnajit Nayak

Respondent(s)

O R D E R

In this transfer petition, the petitioner-wife seeks transfer of Original Suit No.63/2017 filed under Sections 12(1) (a) and 12(1) (c) of the Hindu Marriage Act, 1955, titled "*Prasnajit Nayak vs. Debjani Dhir*", pending before the court of Principal Judge, Family Court, Ranchi, Jharkhand, to the Family Court, Cuttack, Orissa. Be it noted, we have been apprised that the Principal Judge, Family Court, Cuttack, is in *seisin* of the matter being divorce petition bearing CP No.645 of 2014.

Having heard learned counsel for the petitioner and the respondent in-person, we are inclined to transfer the Original Suit No.63/2017 pending before the court of Principal Judge, Family Court, Ranchi, Jharkhand, to the Family Court, Cuttack, Orissa, with the following directions:-

(a) The Principal Judge, Family Court, Cuttack shall dispose of both the cases simultaneously after hearing them one after the other.

(b) The learned Judge shall hear the case on day to day basis.

(c) Neither the respondent-husband nor the petitioner-wife shall seek any adjournment.

(d) The Family Court Judge shall dispose of both the cases by pronouncing the judgment in both the cases separately on the same day.

(e) The factum of disposal of both the cases shall be intimated to the Registry of this Court.

(f) The respondent-husband shall not make any effort to get the case adjourned on any pretext or file any application seeking transfer of the case from the Family Court at Cuttack.

(g) The respondent-husband and the petitioner-wife shall appear before the Principal Judge, Family Court at Cuttack on 9<sup>th</sup> October, 2017.

The Registry is directed to communicate this order to the Registrar General of the High Court of Jharkhand so that he shall see to it that the papers of the case pending before the Family Court, Ranchi, are transferred to the court of Principal Judge, Family Court at Cuttack, forthwith.

The transfer petition is disposed of accordingly.

I.A. No...../2017 in T.P.(C) No.387/2017

The application dated 18<sup>th</sup> April, 2017, has been filed by Mr. Prasrajit Nayak, the respondent in-person.

After understanding the import of the application, Mr. Nayak offered unconditional apology and sought leave of this Court to withdraw the application. The apology is accepted and the application is permitted to be withdrawn.

.....CJI.  
[Dipak Misra]

.....J.  
[Amitava Roy]

.....J.  
[A.M. Khanwilkar]

New Delhi  
September 12, 2017.

ITEM NO.7

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  
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) No.387/2017

DEBJANI DHIR

Petitioner(s)

VERSUS

PRASNAJIT NAYAK

Respondent(s)

(With appln.(s) for stay and permission to appear and argue in person)

Date : 12-09-2017 These matters were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE AMITAVA ROY  
HON'BLE MR. JUSTICE A.M. KHANWILKAR

For Petitioner(s) Mr. Kaushik Choudhury, Adv.  
Mr. Pawanshree Agrawal, AOR

For Respondent(s)  
Respondent-in-person

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

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

I.A. No...../2017 in T.P.(C) No.387/2017

The interlocutory application is permitted to be withdrawn.

(Chetan Kumar)  
Court Master

(Shakti Parkash Sharma)  
Assistant Registrar

(Signed order is placed on the file)