

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(S). 428 OF 2020

PRIYA PARASHAR

PETITIONER(S)

VERSUS

BHUPENDER SHARMA

RESPONDENT(S)

O R D E R

Heard the learned counsel for the petitioner. The office report dated 26th October, 2021 and the order of Registrar in Chamber dated 13th August, 2020 record that the service is complete but the respondent has not entered appearance.

The petitioner is the wife and the respondent is the husband. A complaint has been filed by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending in the Court of the learned Judicial Magistrate First Class at Faridabad. The respondent-husband has filed a petition for divorce bearing HMA No.489 of 2018 which is pending in the Court of the learned Principal Judge, Family Court at Gautam Budh Nagar, Uttar Pradesh. The prayer made for transfer is on the ground of the convenience of the petitioner-wife and certain apprehensions which are expressed in the petition. The learned counsel appearing for the petitioner-wife submits that the petition filed by the respondent-husband may be transferred to the Family Court at Faridabad.

Considering the facts stated in this petition, a case is made out for transfer of the divorce petition filed by the respondent.

Accordingly, the Transfer Petition is allowed.

The case being HMA No.489 of 2018 titled as "*Bhupendra Sharma Vs. Priya Parashar*" pending before the learned Principal Judge, Family Court, Gautam Budh Nagar, Uttar Pradesh is hereby transferred to the Court of the learned Principal Judge, Family Court at Faridabad.

The complaint filed by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 being COMA No.263 of 2018 pending in the Court of the learned Judicial Magistrate First Class at Faridabad be heard on the same date fixed in the transferred case, if an application to that effect is made by the respondent.

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

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

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

NEW DELHI;
NOVEMBER 09, 2021.

ITEM NO.22

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). 428/2020

PRIYA PARASHAR

PETITIONER(S)

VERSUS

BHUPENDER SHARMA

RESPONDENT(S)

(IA No. 36590/2020 - EX-PARTE STAY)

Date : 09-11-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. Ashok Kumar Sharma, Adv.
Mr. Kshitij Mudgal, Adv.
Ms. Monica Goel, Adv.
Mr. Salman Khan, Adv.
Mr. Parmanand Gaur, AOR
Mr. Vikalp Mudgal, Adv.

For Respondent(s)

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)