

## IN THE SUPREME COURT OF INDIA

## CIVIL ORIGINAL JURISDICTION

Transfer Petition (Civil) No. 113/2020

NEETU

PETITIONER

VERSUS

BHAVESH AJITKUMAR MOTIANI

RESPONDENT

O R D E R

Heard Mr. Lakshay Manchanda, learned counsel appearing for the petitioner (wife) and also heard Mr. P. K. Sinha, learned counsel appearing for the respondent (husband).

The petition is filed for transfer of the case for Restitution of Conjugal Rights filed by the respondent, pending in the Family Court at Ahmedabad to a competent court at Amloh, Punjab.

This Court had referred the parties to Mediation but the process proved to be unsuccessful.

It appears that the petitioner has filed a criminal case alleging dowry demand and harassment before the police authorities at Amloh but the said proceedings were stayed at the instance of the respondent, who moved the Punjab & Haryana High Court.

Learned counsel for the respondent submits that the petitioner is a well educated lady and she will have no difficulty in defending the Restitution case in the Ahmedabad Court. However, counsel for the petitioner submits that the petitioner, with her minor daughter, is

residing at Amloh and she will not be able to effectively defend the proceedings at Ahmedabad.

Having regard to the above and the fact that the respondent is working as an Assistant Director in a central ministry and is in more advantageous position, I deem it appropriate to allow this Transfer Petition.

Accordingly, the Family Suit No.1548/2018 titled as "*Shri Bhavesh Ajitkumar Motiani v. Smt. Neetu*", pending in the Family Court, Ahmedabad is transferred to the Court of Additional Civil Judge, Senior Division, Amloh District Fatehgarh Sahib, Punjab.

.....J.  
[HRISHIKESH ROY]

NEW DELHI;  
FEBRUARY 15, 2021.

