

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
TRANSFER PETITION (CIVIL) NO.587 OF 2020

LEENA MAJUMDAR

Petitioner

VERSUS

NIKHIL DAS

Respondent

**O R D E R**

This transfer petition has been filed by the petitioner-wife seeking transfer of the H.M.A. Petition filed by the respondent-husband in the Family Court, Gurugram, Haryana to the Court of the Family Judge, Kolkata, West Bengal.

Having considered the pleadings and the submissions made by the learned counsel, this Court is of the opinion that request for transfer of proceedings from the Family Court, Gurugram, Haryana to the Court of the Family Judge, Kolkata, West Bengal, is justified.

Consequently, the H.M.A. Petition No.686/2019, titled as "*Nikhil Das v. Leena Majumdar*", pending before the Family Court, Gurugram, Haryana is transferred to the Court of the Family Judge, Kolkata, West Bengal.

The Court at Gurugram is directed to transmit the entire record to the transferee Court immediately.

Having heard the learned counsel for the parties and considered the pleadings, this Court is of the opinion that in the larger interest of justice, orders for the conduct of the proceedings are warranted. Accordingly, following directions are issued:

- a) The transferee court at the first instance facilitate the parties to arrive at any mutually acceptable terms of settlement through mediation. For that purpose, the parties shall be referred to the nearest Mediation Centre for a period of four weeks.

During the pendency of mediation proceedings, the Family Court shall not take up the proceedings on merits for four weeks.

- b) In case of a settlement, the transferee court shall pass orders having regard to the settlement arrived at between the parties.
- c) In case no settlement is arrived at or the mediation proceedings remain inconclusive, the transferee court shall take up the proceedings and continue with them in accordance with law, after the said period of four weeks.

d) The transferee Court shall ensure that for facilitation of the parties, successive date/consecutive date(s) of hearing and/or for recording of the evidence as also whenever arguments are to be heard finally, are fixed to suit the convenience of the parties, especially the respondent who has to travel to attend the proceedings.

The transferee Court shall decide the case so transferred as expeditiously as possible.

The Registry is directed to send a copy of this Order to both the Courts immediately for compliance.

This transfer petition is allowed but subject to the aforesaid terms.

.....J.  
[S. RAVINDRA BHAT]

NEW DELHI;  
NOVEMBER 15, 2021

