

IN THE SUPREME COURT OF INDIA
INHERENT JURISDICTION

TRANSFER PETITION (C) NO. 487 OF 2019

Disha Sharma

Petitioner(s)

VERSUS

Nalin Sharma

Respondent(s)

O R D E R

This transfer petition has been filed by the petitioner-wife seeking transfer of the divorce petition instituted by the respondent-husband, being HMA No.628 of 2018 titled as "Nalin Sharma vs. Disha Sharma", pending before the Principal Judge, Family Court, Patiala House Court, New Delhi to the Family Court, Gwalior, Madhya Pradesh.

Learned counsel for the respondent states that he has received no instructions from his client and seeks permission to recuse himself from the case. Office Report indicates that notice was issued to the respondent on 28.03.2019. Mr. Pashupathi Nath Razdan, learned counsel has filed vakalatnama and memo of appearance on behalf of the sole respondent. Vide order dated 11.02.2020, the matter was referred to the Supreme Court Mediation Centre. Learned counsel for the petitioner submits that the respondent appeared only once in the mediation proceedings and thereafter he did not appear, hence, the mediation failed.

Service of notice on the respondent is complete, he entered appearance through counsel and now instructions are not being given to the counsel, it means the respondent is not interested in prosecuting the proceedings.

In view of the aforesaid facts and circumstances, I have heard learned counsel for the petitioner, I am of the considered view that transfer of the proceedings, as prayed for, is warranted.

Accordingly, this transfer petition is allowed and it is directed that HMA No.628 of 2018 titled as "Nalin Sharma vs. Disha Sharma", pending before the Principal Judge, Family Court, Patiala House Court, New Delhi to the Family Court, Gwalior, Madhya Pradesh.

The parties shall be at liberty to apply before the transferee Court for appearing through the video conferencing mode as also for expeditious disposal.

The records of the case be transferred to the transferee Court forthwith.

.....J.
(KRISHNA MURARI)

New Delhi;
3rd February, 2022.

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). 487/2019

DISHA SHARMA

Petitioner(s)

VERSUS

NALIN SHARMA

Respondent(s)

(MEDIATION REPORT HAS BEEN RECEIVED.
IA No. 39450/2019 - EX-PARTE STAY
IA No. 39451/2019 - EXEMPTION FROM FILING O.T.)

Date : 03-02-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE KRISHNA MURARI

For Petitioner(s) Mr. Mritunjay Kumar Sinha, AOR

For Respondent(s) Mr. Mirza Kayesh Begg, Adv.
Mr. Pashupathi Nath Razdan, 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 applications also stand disposed of.

(ANITA MALHOTRA)
COURT MASTER

(ANJU KAPOOR)
COURT MASTER

(Signed order is placed on the file.)