

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 475 OF 2020

ANURADHA

PETITIONER

VERSUS

MADHURYA

RESPONDENT

O R D E R

The present petition has been filed by the petitioner-wife praying *inter alia* for transfer of the Divorce case filed by the respondent-husband, registered as HMA No. 1968 of 2019 pending before the Court of the First Additional Principal Judge, Family Court, Indore, Madhya Pradesh, to the Court of the Principal Judge, Family Court, NOIDA, Gautam Budh Nagar, Uttar Pradesh.

Vide order dated 18th March, 2020, while issuing notice in the present petition and staying further proceedings in the captioned divorce petition, the parties were referred to the Supreme Court Mediation Centre to settle their *inter se* disputes. The Mediation Centre had submitted a report and letter dated 21.12.2020 addressed by the learned Mediator stating *inter alia* that though offers and counter offers were exchanged between the parties, they could not arrive at an amicable solution and the matter remains unresolved.

A counter affidavit in opposition to the transfer

petition has been filed by the respondent-husband. Ms. Vandana Sehgal learned counsel for the respondent has objected to the prayer made for transferring the divorce case filed by her client to the Court of Principal Judge, Family Court, Gautam Budh Nagar, Uttar Pradesh on the ground that the petitioner-wife is not a resident of NOIDA, Uttar Pradesh. It is submitted that she is a resident of Kaimganj, District Farukkhabad, Uttar Pradesh, as is evident from her address furnished in the Memorandum of Parties.

Mr. Santosh Kumar, learned counsel appearing for the petitioner-wife explains that the petitioner is residing with her brother at NOIDA, Uttar Pradesh and that is why a request has been made to transfer the divorce case filed by the respondent-husband to a Competent Court in NOIDA, Uttar Pradesh. He, however, states that his client would have no objection if the Divorce case is transferred to Patiala House Court, New Delhi which would be a convenient forum for both sides as the respondent-husband is presently residing and working for gain in Mumbai, though his permanent address is at Indore, Madhya Pradesh.

At the request of learned counsel for the respondent-husband, the matter was passed over to enable her to obtain instructions.

On the second call, learned counsel for the respondent-husband states on instructions from her client that he is willing to submit to the jurisdiction of Patiala House Court, New Delhi and would not have any objection, if the divorce petition filed by him before the Court of the First Additional Principal Judge, Family Court, Indore, Madhya Pradesh is transferred to the Court of the Principal Judge, Family Court, New Delhi.

Accordingly, with the consent of the parties, the present petition is allowed with a direction that the records of HMA No. 1968 of 2019, being the divorce case filed by the respondent-husband before the First Additional Principal Judge, Family Court, Indore, Madhya Pradesh be transferred to the Court of the Principal Judge, Family Court, Patiala House, New Delhi for further proceedings. The proceedings in the said petition shall proceed from the point at which it was left before the Court of the Additional Principal Judge, Family Court, Indore, Madhya Pradesh.

The parties are directed to appear before the Court of the learned Principal Judge, Family Court, Patiala House, New Delhi on 30th September, 2021, for further proceedings. The record of HMA No. 1968 of 2019 shall be transmitted forthwith by the Court of the First Additional Principal Judge, Family Court, Indore, Madhya

Pradesh to the Court of the Principal Judge, Family Court, Patiala House, New Delhi.

A copy of this order shall be sent to both the Courts below i.e. the Family courts at Indore, Madhya Pradesh and Patiala House Courts, New Delhi for perusal and compliance.

The Transfer Petition is allowed on the aforesaid terms. The interim order dated 16th October, 2020, stands vacated.

NEW DELHI
SEPTEMBER 9, 2021

.....J.
[HIMA KOHLI]

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). 475/2020

ANURADHA

Petitioner(s)

VERSUS

MADHURYA

Respondent(s)

(Mediation Report received
IA No. 40381/2020 - EX-PARTE STAY)

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

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI

For Petitioner(s) Mr. Santosh Kumar - I, AOR
Mr. Rishi K. Awasthi, Adv.
Ms. Ritu Arora, Adv.
Mr. Prashant Kumar, Adv.
Mr. Piyush Vatsa, Adv.
Mr. Sumit Raj, Adv.
Mr. Avinash Ankit, Adv.

For Respondent(s)

Ms. Vandana Sehgal, 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.

(SONIA BHASIN)
COURT MASTER (SH)

(SUNIL KUMAR RAJVANSHI)
BRANCH OFFICER

[Signed Order is placed on the file]