

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.559 OF 2020

SHIVI BHUSHAN & ORS.

PETITIONER(S)

VERSUS

RAJAT NAYYAR

RESPONDENT(S)

ORDER

1. The petitioners have filed the present petition under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of a suit for a decree of mandatory injunction filed by the respondent-husband under Order XXXIX Rules 1 and 2, read with Section 151 of the Code of Civil Procedure, 1908 bearing Civil Suit No.729 of 2019 titled "*Rajat Nayyar Vs. Shivi Bhushan & Ors.*" pending before the Civil Judge, Senior Division at Panchkula, Haryana to the competent Civil Court, at Bangalore, Karnataka.
2. Despite service, none has entered appearance on behalf of the respondent-husband. Even today, the respondent remains unrepresented. It is assumed that the respondent does not wish to oppose the present petition.
3. Having heard learned counsel for the petitioners and on examining the grounds taken in the transfer petition, we

direct transfer of Civil Suit No.729 of 2019 titled "*Rajat Nayyar Vs. Shivi Bhushan & Ors.*" pending before the Civil Judge, Senior Division at Panchkula, Haryana to the competent Civil Court, at Bangalore, Karnataka.

4. The record of the case be transferred immediately to the Transferee Court.
5. Further, liberty is granted to the respondent-husband to move an appropriate application before the Transferee Court for permission to participate in the proceedings virtually. If such a request is made, the Transferee Court may grant such permission and direct the personal presence of the respondent only when it is absolutely necessary. Further, if examination of outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the Transferee Court shall consider the same and pass appropriate orders.
6. The Transfer Petition is allowed on the above terms. Pending application(s), if any, shall stand disposed of.

.....J.
(HIMA KOHLI)

.....J.
(RAJESH BINDAL)

NEW DELHI;
JULY 19, 2023.

ITEM NO.2

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). 559/2020

SHIVI BHUSHAN & ORS.

Petitioner(s)

VERSUS

RAJAT NAYYAR

Respondent(s)

(IA No. 53337/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 53335/2020 - STAY APPLICATION)

Date : 19-07-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Varun Mathur, Adv.
Mr. Somanatha Padhan, AOR

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.

(Geeta Ahuja)
Assistant Registrar-cum-PS
(Signed Order is placed on the file)

(Ravinder Kumar)
Court Master(NSH)