

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**Transfer Petition (Civil) No 527 of 2020**

**Richa Gupta**

**Petitioner**

**Versus**

**Ayush Aggarwal**

**Respondent**

**ORDER**

- 1 This petition is at the instance of the petitioner-wife, who seeks transfer of HMA No 448 of 2019, titled "*Sh Ayush Aggarwal vs Smt Richa Gupta*", pending before the court of Principal Judge, Family Court, Shahdara District, Karkardooma Courts, Delhi to the Family Court, Lucknow (U.P.). The aforesaid case is filed under Section 9 of the Hindu Marriage Act 1955 for restitution of conjugal rights.
- 2 Notice was issued on 13 May 2020 and as per the Office Report, the respondent-husband was duly served on 4 September 2020. Neither the respondent-husband in-person nor a counsel has entered appearance on his behalf.

- 3 The uncontroverted facts are that the marriage between the parties was solemnized on 11 November 2016, but soon thereafter differences arose between them. While the petitioner-wife has filed a case under the Domestic Violence Act, the respondent-husband has filed the subject petition seeking restitution of conjugal rights.
- 4 The petitioner-wife avers that she being the resident of Lucknow, it would cause extreme hardship and inconvenience to her to attend the court proceedings at Delhi. The petitioner-wife has also stated that she is facing financial hardship as she is unemployed. Since the respondent-husband has not chosen to controvert these allegations, the instant transfer petition is allowed.
- 5 The HMA No 448 of 2019, titled "*Sh Ayush Aggarwal vs Smt Richa Gupta*", pending before the court of Principal Judge, Family Court, Shahdara District, Karkardooma Courts, Delhi, is ordered to be transferred to the Family Court, Lucknow (U.P.)
- 6 The records shall be transferred to the transferee court forthwith. The transferee court shall issue fresh notice to the respondent to cause his appearance.

- 7 The transfer petition is disposed of in the above terms.
- 8 Pending applications, if any, stand disposed of.

.....J.  
**[Surya Kant]**

New Delhi;  
April 26, 2022  
CKB

ITEM NO.1611

COURT NO.4

SECTION XVI-A

**S U P R E M E C O U R T O F I N D I A**  
**RECORD OF PROCEEDINGS**

Transfer Petition (Civil) No.527/2020

**RICHA GUPTA**

**Petitioner(s)**

**VERSUS**

**AYUSH AGGARWAL**

**Respondent(s)**

**(With IA No.43600/2020 - EX-PARTE STAY)**

**Date : 26-04-2022 These matters were called on for hearing today.**

**CORAM :**

**HON'BLE MR. JUSTICE SURYA KANT**

**For Petitioner(s)** Mr. Mithilesh Kumar Singh, AOR  
Mr. Y.K.S. Chauhan, Adv.  
Ms. Manju Singh, Adv.  
Mr. Tarun Verma, Adv.

**For Respondent(s)**

**UPON hearing the counsel the Court made the following**  
**O R D E R**

- 1 The transfer petition is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

**(CHETAN KUMAR)**  
**A.R. -cum-P.S.**

**(RAM SUBHAG SINGH)**  
**Court Master**

**(Signed order is placed on the file)**