

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 522 OF 2020

RUKHSANA

Petitioner(s)

VERSUS

ALI HASAN KHAN @ SALEEM

Respondent(s)

O R D E R

This transfer petition has been filed by the petitioner-wife seeking transfer of the proceedings for restitution of conjugal rights filed by the respondent-husband in Original Suit Case No. 234/2019 pending before the Court of Principal Judge, Family Court, Maharajganj, Uttar Pradesh titled "*Ali Hasan Khan @ Saleem vs. Rukhsana*" to the Court of Principal Judge, Family Court, South West, Dwarka, Delhi.

Notice was issued on 13.05.2020 and as per the Office Report dated 09.04.2022, the respondent-husband has refused to take notice and has also refused to give the signatures. Thus, the notice was affixed on the door of his house.

No one has appeared on behalf of the respondent-husband.

As per the averments made by the petitioner-wife, the marriage between the parties was solemnized on 16.06.2000. There are two children born out of the wedlock on 24.05.2003 (son) and on 05.11.2010 (daughter), who are in the custody of the petitioner-wife.

Learned counsel for the petitioner submits that the petition for restitution of conjugal rights filed by the respondent-husband is a mere eye-wash as the respondent has performed second marriage. It is further submitted that the distance between the two places is more than 800 kilometres.

Having heard learned counsel for the petitioner-wife and without going into the merits of the allegations and taking into consideration all the mitigating circumstances, the transfer petition is allowed.

The proceedings for restitution of conjugal rights filed by the respondent-husband in Original Suit Case No. 234/2019 pending before the Court of Principal Judge, Family Court, Maharajganj, Uttar Pradesh titled "*Ali Hasan Khan @ Saleem vs. Rukhsana*" is transferred to the Court of Principal Judge, Family Court, South West, Dwarka, Delhi.

The records pertaining to Original Suit Case No. 234/2019 shall be sent to the transferee Court, forthwith.

Pending applications, if any, shall stand disposed of accordingly.

..... J.
[SURYA KANT]

NEW DELHI;
APRIL 12, 2022.

ITEM NO.1612

COURT NO.15

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(Civil) No. 522/2020

RUKHSANA

Petitioner(s)

VERSUS

ALI HASAN KHAN @ SALEEM

Respondent(s)

(IA No.43386/2020-EX-PARTE STAY and IA No.43389/2020-EXEMPTION FROM FILING O.T.

IA No. 43386/2020 - EX-PARTE STAY

IA No. 43389/2020 - EXEMPTION FROM FILING O.T.)

Date : 12-04-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Ms. Nidhi, Adv.

Mr. B. Sridhar, 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 applications, if any, shall stand disposed of.

(MANISH ISSRANI)
COURT MASTER (SH)

(MATHEW ABRAHAM)
COURT MASTER (NSH)

(SIGNED ORDER IS PLACED ON THE FILE)