

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(s)(Civil) No(s). 1301/2019

SUSHMITA DAS

Petitioner(s)

VERSUS

C.S. VENKATNARAYANAN

Respondent(s)

WITH

T.P.(C) No. 519/2020

O R D E R

T.P.(C) No. 1301/2019

This petition is filed by the petitioner-wife seeking transfer of case being H.M.O.P No. 1468 of 2018 titled as "C.S. Venkat Narayanan versus Sushmita Das", pending on the file of the Family Court, Coimbatore, Tamil Nadu to the Court of Principal Judge, Family Court at Bangalore, Karnataka.

I have heard Mr B.Ragunath, learned counsel for the petitioner, and Mr.A.Raj Narayanan, learned counsel for the respondent and perused the material on record.

During the course of arguments, it was pointed out that the petitioner-wife is working and residing at Bangalore whereas the respondent-husband who was earlier working in Bangalore, has filed the aforesaid petition at Coimbatore only to harass the petitioner herein and therefore, the petition filed by the respondent-husband at Coimbatore may be

transferred to Bangalore.

It was also submitted by learned counsel for the petitioner that she had filed M.C. No. 232 of 2019 under Section 9 of Hindu Marriage Act, 1955 before the Principal Judge, Family Court at Bangalore and the same has been allowed.

In the circumstances, the petition filed by the respondent-husband would not survive for consideration.

Per contra, learned counsel for the respondent-husband contended that the petition filed by the petitioner-wife before the Principal Judge, Family Court, Bangalore has been allowed ex-parte and steps would be taken by the respondent to seek recalling of the order/restoration of the said case before the Court of Principal Judge Family Court at Bangalore. He however submitted that the respondent herein has filed the aforesaid case seeking dissolution of marriage by a decree of divorce and hence, the said matter could be tried and disposed of at Coimbatore itself.

Having heard the learned counsel for the respective parties, I am of the view that the aforesaid case namely H.M.O.P. 1468 of 2018 pending before the Family Court at Coimbatore has to be transferred before the Principal Judge Family Court at Bangalore. This is particularly so, since the respondent has submitted through his learned counsel that he

would take steps for restoration of M.C. No. 232 of 2019 which has been allowed by the Principal Judge, Family Court at Bangalore.

In the circumstances, the petition filed by the wife is allowed and the aforesaid case is transferred to the Principal Judge, Family Court, Bangalore.

It is needless to observe that in the event the respondent herein is successful in seeking restoration of M.C. No. 232 of 2019 disposed of by the Principal Judge Family Court Bangalore on the file of the said court, both the cases shall be clubbed and tried together and disposed of in accordance with law.

T.P.(C) No. 519/2020

This petition has been filed under Section 25 of the Code Of Civil Procedure, 1908 by the husband seeking transfer of the case titled as "Sushmita Das vs C.S Venkat Narayanan" in M.C. No. 232 of 2019 filed under section 9 of the Hindu Marriage Act, 1955 seeking Restitution of Conjugal Rights before the learned Principal Judge, Family Court at Bangalore, Karnataka to the Court of Principal Judge, Family Court, Coimbatore, Tamil Nadu.

Learned counsel for the respondent-wife at the outset submitted that this transfer petition has been rendered

infructuous in view of the fact that the aforesaid petition filed by the respondent-wife has been disposed of by the Family Court at Bangalore on 14.9.2020. Hence, this petition may be dismissed as having been rendered infructuous. In response to the aforesaid submission, learned counsel for the petitioner-husband submitted that an application has been filed seeking restoration of the M.C. No. 232 of 2019 as the said petition has been disposed of ex-parte.

It was also brought to my notice that the petitioner herein has filed H.M.O.P. No. 1468 of 2018 before the Family Court, Coimbatore, Tamil Nadu titled as "C.S Venkat Narayanan vs. Susmita Das" which has been filed under section 13(i) of the Hindu Marriage Act, 1955. Since, in the connected matter, this Court has directed that the aforesaid matter be transferred to the Principal Judge Family Court at Bangalore and in the event M.C. No. 232 of 2019 is restored on the file of the Principal Judge Family Court at Bangalore, both the aforesaid cases shall be tried and disposed of together. In the circumstances, this petition is dismissed with the aforesaid observation.

.....J.
[B.V. NAGARATHNA]

New Delhi;
November 08, 2021.

