

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(s)(C.) No(s). 927 OF 2020

SWATI KUMARI

Petitioner(s)

VERSUS

NISHANT KUMAR SRIVASTAVA

Respondent(s)

WITH

TRANSFER PETITION(s)(C.) No(s). 934 OF 2020

O R D E R

Heard Mr. Anurag Kishore, learned counsel for the Petitioner(wife) and Mr. Purushottam Sharma Tripathi, learned counsel for the respondent (husband).

These two transfer petitions are filed by the wife for transfer of the Case for Restitution of Conjugal Rights and the Custody case filed by the respondent, which are pending in the court at Daltonganj, Palamau, Jharkhand.

The record shows that the petitioner has applied for Maintenance and has also filed a Complaint under the Domestic Violence Act against the respondent and the proceedings are pending before the Court at Chhapra.

The respondent is serving as a Manager with the Daltonganj Branch of the State Bank of India, whereas the petitioner is said to be without any means of earning and is dependant on her parents and is also residing in her parental home at Chhapra.

The proceedings before the Court at Daltonganj, Palamau was stayed by this Court on 10.09.2020.

Having considered the circumstances between the parties and although some progress was made in the case for Restitution of Conjugal Rights, before the court at Daltonganj, Palamau, I deem it appropriate to allow these two Petitions. Consequently, the Case for for Restitution of Conjugal Rights (Suit No. 90 of 2018) and the Case for Custody ( suit No. 78 of 2019) titled as "*Nishant Kumar Srivastava vs. Swati Kumari*" pending before the Family Court of Daltonganj, Palamau, Jharkhand are ordered to be transferred to the Family Court at Chhapra, Bihar.

In view of the submissions made by the learned counsel for the parties, the transferee court before proceeding with the matters on merits will facilitate the mediation between the parties.

Pending applications, if any, stand disposed of.

.....J.  
( HRISHIKESH ROY)

NEW DELHI  
MARCH 26, 2021

