

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S)(CIVIL) NO. 557 OF 2020

SUJITHA Petitioner(s)

VERSUS

VASANTHA VIKAS Respondent(s)

WITH

TRANSFER PETITION(S)(CIVIL) NO. 581 OF 2020

TRANSFER PETITION(S)(CIVIL) NO. 592 OF 2020

O R D E R

These are the three petitions for transfer are in respect of proceedings arising out of the matrimonial dispute between the petitioner and the respondent in Transfer Petition No. 557 of 2020.

Transfer Petition No. 557 of 2020 is for seeking transfer of the petition filed by the petitioner-wife under Section 7 and 10 of the Guardians and Wards Act, 1890. There are two minor children, respect of whom relief is claimed, who are presently residing with the wife.

Initially, the petitioner-wife was a resident of Sivakasi Town in Tamil Nadu. There is no dispute that now the petitioner along with her children are the residents of Bangalore. The respondent-husband is a resident of Sivakasi Town in Tamil Nadu. Therefore, the wife wants transfer of the said guardianship petition to Competent Court in Bangalore.

Transfer Petition No. 581 filed by the wife is for transfer of

a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending in the Court of Ld. Judicial Magistrate No. 1, Sivakasi, Tamil Nadu. The learned counsel appearing for the petitioner (wife and two children) states that petitioners will delete the respondent Nos. 2 to 4 from the pending complaint.

Transfer Petition No. 592 of 2020 seeks transfer of a petition for divorce filed by the respondent-husband which is pending in the Court of at Sivakasi in Tamil Nadu.

The learned counsel appearing for the husband firstly pleads that the parents of the husband should not be dragged to Court at Bangalore. However, in view of the statement made by the learned counsel appearing for the wife to delete the names of the respondent Nos. 2 to 4 in Transfer Petition No. 592 of 2020 from the pending complaint, the said objection does not survive. The learned counsel appearing for the husband lastly submits that instead of transferring the matters to the Court at Bangalore, the cases should be transferred to a place which is equidistant from the Court in which the presently the cases are pending and the city of Bangalore.

Admittedly, the petitioner is a resident of Bangalore. She has to look after two minor children who are with her. Hence, a case for passing an order of transfer is made out.

The transfer petitions are allowed by passing following order:-

(a) Case No. G.W.O.P. No. 120 of 2019, titled as "Vasantha Vikas Vs Sujitha" pending in the Court of the Learned Principal District

Judge at Virudhunagar, Srivilliputhur(E), Tamil Nadu is hereby transferred to the Court of the Learned Principal Judge, Family Court at Bangalore;

(b) Case No. H.M.O.P. No. 275 of 2019, titled as "Vasantha Vikas Vs Sujitha" pending before the Learned Sub Court, Sivakasi, Tamil Nadu is hereby transferred to the Court of the Learned Principal Judge, Family Court at Bangalore;

(c) Case No. D.V.O.P. No. 11 of 2019, titled as "Sujitha & Ors. Vs. Vasantha Vikas & Ors." pending before the Learned Judicial Magistrate No. 1, Sivakasi, Tamil Nadu is hereby transferred to the Court of the learned IX Additional Chief Metropolitan Magistrate, Bangalore;

(d) The learned Principal Judge of the Family Court at Bangalore shall ensure that both the cases transferred to his Court are fixed on the same date. The learned IX Additional Chief Metropolitan Magistrate, Bangalore shall also endeavor to ensure that the complaint filed by the petitioner is fixed on the same date on which the cases transferred to the the Family Court are fixed.

(e) Husband will be entitled to seek appropriate interim relief in the pending custody petition after its transfer.

Pending application, if any, stands disposed of.

.....J.
(ABHAY S. OKA)

New Delhi
29th July, 2022

ITEM NO.1607

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(s)(Civil) No. 557/2020

SUJITHA

Petitioner(s)

VERSUS

VASANTHA VIKAS

Respondent(s)

(Common mediation report received.

IA No. 131207/2021 - APPROPRIATE ORDERS/DIRECTIONS

IA No. 56418/2021 - CONDONATION OF DELAY IN FILING COUNTER
AFFIDAVIT

IA No. 45610/2020 - STAY APPLICATION)

WITH

T.P.(C) No. 581/2020 (XVI-A)

IA No. 76175/2021 - CONDONATION OF DELAY IN FILING COUNTER
AFFIDAVIT

IA No. 47008/2020 - STAY APPLICATION)

T.P.(C) No. 592/2020 (XVI-A)

IA No. 76167/2021 - CONDONATION OF DELAY IN FILING COUNTER
AFFIDAVIT

IA No. 47631/2020 - STAY APPLICATION)

Date : 29-07-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA

For Petitioner(s) Mr. G.sivabalamurugan, AOR
Mr. Selvaraj Mohendran, Adv.
Mr. P. Shankar, Adv.

For Respondent(s) Mr. Sagar Roy, Adv.
Ms. Reeta Puniya, Adv.
Mr. C.R. Jaya Sukin, Adv.
Ms. Divya Mishra, Adv.
Mrs. Suresh Kumari, Adv.
Mr. Rahul Sharma, Adv.
Mr. Narender Kumar Verma, AOR

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

The transfer petitions are allowed in terms of the signed

order.

Pending application, if any, stands disposed of.

(SNEHA)
SENIOR PERSONAL ASSISTANT

(VIDYA NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file.)