

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

Transfer Petition (Civil) No 576 of 2020

Payal @ Payal Haldar

Petitioner

Versus

Sanjit Haldar

Respondent

ORDER

- 1 The instant petition is at the instance of the petitioner-wife, who seeks transfer of Matrimonial Suit No 11 of 2020, titled "*Sanjit Haldar vs Payal Haldar*", filed under Section 13 of the Hindu Marriage Act, pending before the court of Additional District Judge, Lalbagh, Murshidabad, West Bengal to the Family Court, Karkardooma Courts, Delhi.
- 2 As per the Office Report, notice was issued to the respondent-husband on 8 December 2020 and as per the postal tracking report, the said notice has been duly delivered to him on 5 January 2021. No one has entered appearance on behalf of the respondent-husband, nor he has appeared in-person.

- 3 It appears from the averments that the marriage between the parties was solemnized on 18 June 2017. It is averred that a male child born out of the wedlock is in the custody of the petitioner-wife. There arose unfortunate matrimonial disputes between the parties which prompted the petitioner-wife to make a complaint on 7 December 2018 in CAW Cell, Seemapuri, Delhi. Thereafter, she filed a maintenance petition before the Family Court, Karkardooma Courts, Delhi on 1 February 2019. It is alleged that as a counter blast thereto, the respondent-husband has filed the subject divorce petition at Lalbagh, Murshidabad, West Bengal
- 4 The petitioner-wife is stated to be financially dependent on her parents and being the sole guardian of hardly three years old child, rightly submits that she will face extreme hardship in attending the court proceedings at a far way place, that is, Lalbagh, Murshidabad, West Bengal. Since the allegation have gone uncontroverted, the instant transfer petition is allowed.
- 5 The Matrimonial Suit No 11 of 2020, titled "*Sanjit Haldar vs Payal Haldar*", filed under Section 13 of the Hindu Marriage Act 1955, pending before the court of Additional District Judge, Lalbagh, Murshidabad, West Bengal is ordered to be transferred to the Family Court, Karkardooma Courts, Delhi.
- 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.1617

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.576/2020

PAYAL @ PAYAL HALDAR

Petitioner(s)

VERSUS

SANJIT HALDAR

Respondent(s)

(WITH IA No.46830/2020-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. Vikas Jain, Adv.
Mr. Manjeet Singh Rathor, Adv.
Mr. Vmz Chambers, AOR

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)