

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 574 OF 2020

BABITAPetitioner(s)

Vs.

AMAN KUMAR BADHWANRespondent(s)

O R D E R

In this transfer petition, notice was ordered to be issued on 13.05.2020 with stay of further proceedings in H.M.A. No. 1854 of 2019, titled as "*Aman Kumar Badhwan v. Babita*", pending on the file of Family Judge, Family Court, Central Delhi, Tis Hazari Courts, Delhi.

Office has reported that as per the postal tracking report, show cause notice has not been served with remarks "unserved/noticee denied to take the notice"; and that the unserved cover containing notice has been received back from the sole respondent with remarks "refused". No one has entered appearance on behalf of the respondent.

Learned counsel for the petitioner submits that notice has been sent on the correct and complete address of the respondent and in fact, the address of the respondent in the present petition is exactly the same as stated by him in the petition seeking dissolution of marriage filed before the Family Court.

In the totality of circumstances, service is taken as complete. There appears no reason to keep this petition pending any further.

The petitioner seeks transfer of the aforesaid petition filed by the respondent-husband essentially with reference to the facts that she had filed an FIR against the respondent-husband and his family members at Women Police Station Jalandhar being FIR No. 0044 of 2019 for the offences u/s 406 and 498A IPC.

It is submitted that the petition seeking dissolution of marriage is essentially a counter blast to the FIR so filed by the petitioner. It is also submitted that the petitioner suffers from physical and financial constraints in undertaking travel from Jalandhar to Delhi to attend the proceedings so initiated by the respondent-husband.

Taking the totality of the facts and circumstances into account, it appears just and proper to transfer the proceedings in the petition so filed by the respondent-husband to the place of the residence of the petitioner wife.

Accordingly, this petition is allowed; and H.M.A. No. 1854 of 2019, titled as "*Aman Kumar Badhwan v. Babita*" pending on the file of Family Judge, Family Court, Central Delhi, Tis Hazari Courts, Delhi is ordered to be transferred to the Court of Principal Judge, Family Court, Jalandhar, Punjab.

The record may be transmitted to the transferee Court forthwith.

.....J.
(DINESH MAHESHWARI)

New Delhi;
April 26, 2022.

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(C) No. 574/2020

BABITA

Petitioner(s)

VERSUS

AMAN KUMAR BADHWAN

Respondent(s)

(IA No.46702/2020-EX-PARTE STAY)

Date : 26-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI

For Petitioner(s) Mr. S. Mahendran, 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 signed
order.

All pending applications stand disposed of.

(NEETA SAPRA)

COURT MASTER (SH)

(Signed order is placed on the file)

(DIPTI KHURANA)

COURT MASTER (NSH)