

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.1286/2024

ARPITA ARUN CHIPKAR

Petitioner(s)

VS.

ASHISH VILAS PILGUNKAR AND ANR.

Respondent(s)

O R D E R

1. This transfer petition has been filed by the petitioner (wife) seeking transfer of Special Civil Suit No. 7 of 2024 titled "Ashish Vilas Pingulkar vs Arjun Kumar S. & Ors." filed by the Respondent (Husband) before the Court of Civil Judge, Senior Division, at Sindhudurg, Maharashtra.

2. The petitioner (wife) seeks transfer thereof to the Court of Civil Judge, Senior Division at Karwar, Distt.-Uttar Kannada, Karnataka.

3. In view of the fact that various other cases between the parties are pending before the Family Court/other Courts at Karwar, Karnataka, we are of the considered opinion that the subject suit can also be transferred to the Court of competent jurisdiction at Karwar, Karnataka as it would enable the parties to pursue/defend the matters at one place. Ordered accordingly.

4. The Special Civil Suit No. 7 of 2024 titled "Ashish Vilas Pingulkar vs Arjun Kumar S. & Ors." pending before the Court of Civil Judge, Senior Division, at Sindhudurg, Maharashtra, is hereby

ordered to be transferred to the Court of Civil Judge, Senior Division at Karwar, Distt-Uttar Kannada, Karnataka.

5. The Courts at Karwar will preferably list all the matters on one date to obviate the hardship caused to the parties.

6. In case the on-line facilities are available, the Family Court/Civil Court may consider the desirability of granting exemption from personal appearance and permitting the respondent (husband) to join the proceedings online, subject to such conditions as may be imposed by the Court.

7. The entire record pertaining to Civil Suit No.7 of 2024 shall be transmitted forthwith by the transferor court to the transferee court.

8. Though the mediation in the instant proceedings could not succeed, we are still of the view that the parties can amicably resolve the matrimonial disputes between them.

9. The Family Court at Karwar, Karnataka shall accordingly make a fresh endeavour for the amicable settlement of the disputes between the parties.

10. The transfer petition is allowed in the above terms.

11. Pending applications, if any, also stand disposed of.

.....J
(SURYA KANT)

.....J
(UJJAL BHUYAN)

NEW DELHI
25TH NOVEMBER, 2024.

ITEM NO.33

COURT NO.3

SECTION IV-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

Petitions for Special Leave to Appeal (C) Nos.2899-2900/2023

[Arising out of impugned final judgment and order dated 16-12-2022 in WP No. 105360/2021 & WP No. 102083/2022 passed by the High Court of Karnataka Circuit Bench at Dharwad]

ASHISH

Petitioner(s)

VERSUS

ARPITA

Respondent(s)

([MEDIATION REPORT RECEIVED])

(IA No. 147938/2024 - APPROPRIATE ORDERS/DIRECTIONS, IA No.27198/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 86508/2024 - PERMISSION TO FILE APPLICATION FOR DIRECTION & IA No. 27199/2023 - PERMISSION TO FILE LENGTHY LIST OF DATES)

WITH

SLP(C) No. 2732/2023 (IV-A)

(FOR EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT ON IA 25715/2023)

T.P. (C) No. 1286/2024 (IX)

(FOR ADMISSION and IA No.109403/2024-EX-PARTE STAY)

Date : 25-11-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s)

Mr. S. S. Jauhar, AOR

Mr. Maibam Nabaghanashyam Singh, AOR

Mr. Rajesh Gulab Inamdar, AOR

For Respondent(s)

Mr. Maibam Nabaghanashyam Singh, AOR

Mr. Rajesh Gulab Inamdar, AOR

Mr. Abhiyudaya Vats, Adv.

Mr. Tathagata Dutta, Adv.

Mr. Pai Amit, AOR

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

Petitions for Special Leave to Appeal (C) Nos.2899-2900/2023

1. The petitioner (husband) is aggrieved by the judgment dated 16.12.2022 passed by the High Court of Karnataka, Dharwad Bench, whereby the maintenance *lis pendens* has been increased from Rs.40,000/- to Rs.60,000/- per month.
2. The petitioner has taken various grounds to urge that the enhancement of interim maintenance is unjustified.
3. During the pendency of these proceedings, the petitioner (husband) has taken another plea alleging that Respondent No.1 (wife) has re-married without taking a decree of divorce. Such an allegation is strongly refuted by the respondent (wife).
4. The learned Senior counsel for the petitioner (husband) informs that the aforesaid plea has been raised before the Family Court also.
5. That being so, we do not deem it appropriate to express any opinion and dispose of the Special Leave Petitions with liberty to the petitioner to raise all the contentions, including the new grounds taken before us, before the Family Court.
6. It goes without saying that the Family Court will afford an opportunity to both sides and determine the issue in accordance with law.
7. The petitioner shall continue to pay the enhanced interim maintenance, subject to the final outcome of the proceeding before the Family Court, so far as the payment of maintenance to the wife is concerned. As regards to the child, the petitioner shall continue to pay the enhanced interim maintenance unconditionally. He will also file a compliance affidavit regarding payment of arrears of maintenance before the Family Court.
8. Pending applications, if any, also stand disposed of.

SLP(C) No. 2732/2023:-

1. The petitioner (husband) is aggrieved by the judgment dated 16.12.2022 passed by the High Court of Karnataka, Dharwad Bench in Writ Petition No.105452/2021.
2. The controversy pertains to visitation rights sought by the petitioner in respect of the girl child of the parties, born on 30.01.2019.
3. There is a petition for grant of custody filed by the petitioner (husband), which is pending before the Family Court. The nature, extent and modalities of the visitation rights can thus, be effectively determined by the Family Court, including the interim visitation rights during the pendency of the proceedings.
4. The Family Court shall pass an appropriate order on the interim visitation rights within a period of one month from today.
5. In this regard, we do not express any opinion on the merits of the case, leaving it open for the parties to raise their respective contentions before the Family Court.
6. The Special Leave Petition is disposed of in the above terms.
7. Pending applications, if any, also stand disposed of.

T.P.(C) No. 1286/2024:-

1. The Transfer Petition is allowed, in terms of the signed order.
2. Pending applications, if any, also stand disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(SAROJ KUMARI GAUR)
ASSISTANT REGISTRAR
(Signed Order is placed on the file)