

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION(C)No.605 OF 2021

SONALIKA RAY

... PETITIONER

Versus

AVINASH KUMAR ROUT

...RESPONDENT

O R D E R

1. The petitioner - wife seeks transfer of Civil Proceeding No.609/2020, titled as "Avinash Kumar Rout vs. Sonalika Ray", filed by the respondent - husband under Section 9 of the Hindu Marriage Act, 1955 read with Section 7 of the Family Courts Act, 1984 for restitution of conjugal rights. The aforestated case is pending before the Family Court, Cuttack, Odisha and the petitioner - wife seeks transfer thereof to the Court of Principal Judge, Family Court, Patiala House Court, New Delhi.

2. Upon notice, learned counsel for the parties jointly state that the order dated 22.03.2021 has been complied with and their daughter, born out of the wedlock, has been admitted in a nursery school in Delhi.

3. As regard to transfer of the matrimonial case, we find that since the petitioner - wife is required to look after her five years old daughter, it is exceedingly difficult for her to defend herself in the proceedings instituted by the respondent - husband at Cuttack which is more than 1600 kms. away from the place of her residence.

4. Consequently, without expressing any opinion on the merits of the case, the Transfer Petition is allowed and Civil Proceeding No.609/2020, titled as "Avinash Kumar Rout vs. Sonalika Ray", filed by the respondent - husband under Section 9 of the Hindu Marriage Act, 1955 read with Section 7 of the Family Courts Act, 1984 for restitution of conjugal rights is ordered to be transferred to the Court of Principal Judge, Family Court, Patiala House Court, New Delhi. The records be forwarded to the Transferee Court forthwith.

5. Learned Presiding Officer of the Family Court, Patiala House Court, New Delhi will firstly make an endeavour to amicably settle the matrimonial dispute through mediation. In the event of further proceedings, he may also explore the possibility of permitting the parties to appear through virtual mode, to the extent it is possible.

6. As a sequel to the above, pending interlocutory application also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(M.M. SUNDRESH)

NEW DELHI;
OCTOBER 12, 2022.

ITEM NO.15

COURT NO.12

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(s)(Civil) No(s).605/2021

SONALIKA RAY

Petitioner(s)

VERSUS

AVINASH KUMAR ROUT

Respondent(s)

(IA No.40490/2021-STAY APPLICATION
 IA No.40490/2021 - STAY APPLICATION)

Date : 12-10-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
 HON'BLE MR. JUSTICE M.M. SUNDRESH

For Petitioner(s) Ms. Prachi Gupta Jain, Adv.
 Mr. Shreyas Jain, Adv.
 Mr. Pranab Prakash, AOR

For Respondent(s) Mr. Jitendra Mohapatra, Adv.
 Ms. Jasleen Kaur Shawney, Adv.
 Mr. Kedar Nath Tripathy, AOR

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

1. The Transfer Petition is allowed in terms of the signed order.
2. The records be forwarded to the Transferee Court forthwith.
3. Learned Presiding Officer of the Family Court, Patiala House Court, New Delhi will firstly make an endeavour to amicably settle the matrimonial dispute through mediation. In the event of further proceedings, he may also explore the possibility of permitting the parties to appear through virtual mode, to the extent it is possible.
4. As a sequel to the above, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
 DEPUTY REGISTRAR

(PREETHI T.C.)
 COURT MASTER (NSH)

(Signed order is placed on the file)