IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 566 OF 2022

JAYANTI RAGHUNATH RAI Petitioner(s)

VERSUS

DR. PRITA NAVINCHANDRA SHETTY & ORS. Respondent(s)

O R D E R

We have heard Shri P. Vishwanatha Shetty, learned senior counsel for the petitioner, Shri Ashok Shetty and Shri Nitin S. Tambwekar, learned counsel for respondent nos. 1 and 5 respectively(signed order is placed on the file) and perused the material on record.

The petitioner, who is stated to be about 71 years of age has filed this transfer petition, seeking the following reliefs:

> "a. To transfer the Special Civil Suit Case titled as "Dr. Prita Navinchandra Shetty vs. Mrs. Anita Prakash Shetty & Ors, being Spl. C.S. No. 113 of 2019 pending before the Court of 3rd Joint Civil Judge, Senior Division, Thane, Maharashtra to the Civil Judge, Bantwal Taluk, Dakshina Kannada District, Karnataka or Civil Judge at Belgaum, Karnataka;
>
> b. To grant such order, directions, relief/s as this Hon'ble Court deems fit under the circumstances of the case, in the interest of justice and equity."

Learned senior counsel for the petitioner submitted that the suit involves a family dispute and the petitioner is a senior citizen, who resides in Bantwal Taluk in Karnataka, whereas the aforesaid suit has been filed by the step daughter of the petitioner before the Court of 3rd Joint Civil Judge, Senior

contd..

Division, Thane, Maharashtra, which is a suit for partition and separate possession; that the mediation between the parties also has failed. The distance between Bantwal and Thane is over 1000 kms. and, therefore, for effective contest of the suit filed by the first respondent herein, it is just and necessary that this Court may transfer the aforesaid suit from the Thane Court to the competent Court at Bantwal Taluk.

Per contra, learned counsel for respondent nos. 1 and 5 opposed the Transfer Petition by contending that the petitioner herein has already engaged the services of an Advocate and has filed her written statement and issues have already been framed in the suit which is at the stage of trial and recording of evidence. The parties to the suit are all based at Thane, Mumbai and therefore, it will cause inconvenience to all the other parties to the suit if the same is to be transferred to the competent Court at Bantwal, so as to suit only the convenience of the petitioner herein.

In the circumstances, they submitted that the Transfer Petition may be dismissed.

Having heard learned senior counsel and learned counsel for the respective parties and bearing in mind that the suit is of the year 2019 and is now at the stage of trial as the pleadings are complete, we do not think that the interest of justice would be sub-served, so far as the progress of the suit is concerned if the same is transferred at this stage from Thane to the competent Court at Bantwal, so as to suit only the convenience of the petitioner

contd..

herein.

In the circumstances, we do not find any merit in the Transfer Petition and the same is dismissed.

However, having regard to the age of the petitioner and the ailments that she is suffering from, liberty is reserved to the petitioner herein/petitioner's counsel to appear before the Court in the said suit through video conferencing facility, if not personally. It is needless to observe that in case such a request is made, the Court at Thane shall make available video conferencing facility to the petitioner herein or her counsel.

The parties are also at liberty to explore the possibility of a settlement through mediation since the suit is for partition and separate possession of properties and the parties are members of a family.

.....J.
[B.V. NAGARATHNA]

.....J.
[UJJAL BHUYAN]

NEW DELHI
AUGUST 09, 2023

ITEM NO.1 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). 566/2022

JAYANTI RAGHUNATH RAI Petitioner(s)

VERSUS

DR. PRITA NAVINCHANDRA SHETTY & ORS. Respondent(s)

(Mediation Report has been received.
IA No. 35603/2022 - EXEMPTION FROM FILING O.T.
IA No. 35601/2022 - STAY APPLICATION)

Date : 09-08-2023 These matters were called on for hearing today.

CORAM :
HON'BLE MRS. JUSTICE B.V. NAGARATHNA
HON'BLE MR. JUSTICE UJJAL BHUYAN

For Petitioner(s) Mr. P. Vishwanatha Shetty, Sr. Adv.
Mr. Mahesh Thakur, AOR
Mrs. Geetanjali Bedi, Adv.
Mr. Ranvijay Singh Chandel, Adv.
Mr. Shivamma Sharrma, Adv.

For Respondent(s) Mr. Ashok Shetty, Adv.
Mrs. Yamunah Nachiar, Adv.
Mr. S. Ravi Shankar, AOR

Mr. Nitin S. Tambwekar, Adv.
Mr. Seshatalpa Sai Bandaru, AOR

UPON hearing the counsel the Court made the following

O R D E R

The Transfer Petition is dismissed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(NEETU SACHDEVA)
ASTT. REGISTRAR-cum-PS

(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(signed order is placed on the file)