

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.2863 OF 2022

MANISHA AGRAWAL

PETITIONER(S)

VERSUS

SABBU AGARWAL

RESPONDENT(S)

WITH

TRANSFER PETITION (CRL.) No. 124 OF 2023

O R D E R

TRANSFER PETITION (CIVIL) NO.2863 OF 2022

This transfer petition has been filed by the petitioner-wife under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of proceedings bearing Civil Suit A.No.34 of 2021, titled as "*Sabbu Agrawal vs. Manisha Agrawal*" pending before the Family Court, Raigarh, Chhattisgarh to the Court of competent jurisdiction, Bolagiri, Odisha.

2. As per office report, service of show-cause notice is complete but, the respondent-husband has not entered appearance despite service.

3. Heard learned counsel for the petitioner and perused the material placed on record.

4. Taking the totality of the circumstances into account and, more particularly the fact that the respondent has

chosen not to appear despite service, we are inclined to grant the prayer made.

5. Accordingly, this transfer petition is allowed and Civil Suit A.No.34 of 2021, titled as "*Sabbu Agrawal vs. Manisha Agrawal*", pending before the Family Court, Raigarh, Chhattisgarh, is hereby transferred to the District Court, Bolangir, Odisha.

6. The parties shall be at liberty to apply before the transferee court for appearing through the video conferencing mode. We also leave it open for the parties to explore the possibility of settlement.

7. The records of the case be transferred to the transferee court forthwith.

8. All pending applications stand disposed of.

TRANSFER PETITION (CRL.) No. 124 OF 2023

So far this criminal case is concerned, taking the totality of facts and circumstances into account, this being a matter prosecuted by the State, we find no reason to consider its transfer. This petition stands dismissed.

Pending applications also stand disposed of.

.....J.
(DINESH MAHESHWARI)

.....J.
(J.B. PARDIWALA)

NEW DELHI
MAY 03, 2023

ITEM NO.9

COURT NO.6

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). 2863/2022

MANISHA AGRAWAL

Petitioner(s)

VERSUS

SABBU AGARWAL

Respondent(s)

(IA No. 194605/2022 - EX-PARTE STAY, IA No. 194606/2022 - EXEMPTION FROM FILING O.T., IA No. 31435/2023 - EXEMPTION FROM FILING O.T. IA No. 31432/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

T.P.(Cr1.) No. 124/2023 (XVI-A)

(IA No. 199942/2022 - EXEMPTION FROM FILING O.T. AND IA No. 199941/2022 - STAY APPLICATION)

Date : 03-05-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DINESH MAHESHWARI
HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Somanatha Padhan, AOR
Mr. Ashok Anand, Adv.
Mr. Rakesh Kumar Singh, Adv.
Mr. Akash Kakade, Adv.
Mr. Mukul Dev Mishra, Adv.
Mr. Pawan Kaushik, Adv.

For Respondent(s)

Ms. Pragati Neekhara, A.A.G./AOR
Mr. Aditya Bhanu Neekhara, Adv.

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

T.P.(C) No.2863/2022

This transfer petition is allowed in terms of the
signed order.

Pending applications also stand disposed of.

T.P.(Cr1.) No. 124/2023

This petition stands dismissed.

Pending applications also stand disposed of.

**(NEETU KHAJURIA)
ASTT. REGISTRAR-cum-PS**

**(RANJANA SHAILEY)
COURT MASTER**

(Signed order is placed on the file.)