

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S)(CIVIL) NO(S). 2860/2019

KAMALIKA GANGULY

PETITIONER(S)

VERSUS

RUDRADEEP GANGULY

RESPONDENT(S)

O R D E R

This is a petition filed under Section 25 of the Code of Civil Procedure, 1908, seeking transfer of Matrimonial Suit No. 08 of 2019 titled as "Rudradeep Ganguly versus Kamalika Ganguly" pending in Court of the District Judge at North 24 Parganas, Barasat, Kolkata, West Bengal to the Family Court, Bangalore, Karnataka.

I have heard Learned Counsel for the parties. The respondent, instead of filing counter to the Transfer Petition, has filed an Application in IA No. 45501 of 2020, praying for dissolution of marriage on the sole ground that the petitioner has also filed an independent petition in M.C. No. 6329 of 2019 on the file of the Principal Family Court at Bangalore for dissolution of marriage.

In other words, the contention of the respondent is that though he has filed a suit of Divorce on the file of District Court at North 24 Parganas, Barasat, Kolkata, the petitioner has also filed a petition for Divorce before the Family Court at Bangalore

and that therefore the parties can be given the ultimate relief. But it is not possible in a Transfer Petition, except in cases where the parties have reached a settlement. Therefore, the matrimonial suit filed by the respondent in Kolkata has to be transferred to Bangalore and tagged along with the petition filed by the petitioner, so that the dispute can be resolved one way or the other. Accordingly, Matrimonial Suit No. 08 of 2019 titled as "Rudradeep Ganguly versus Kamalika Ganguly" pending in Court of the District Judge at North 24 Parganas, Barasat, Kolkata, West Bengal is transferred to the Principal Family Court, Bangalore, Karnataka. It may be tagged along with M.C. No. 6329 of 2019 pending on the file of the family court to be tried together.

After transfer, the transferee court may make an attempt at mediation before proceeding with adjudication.

Let the records of the case be transferred to the concerned court without delay.

The Transfer Petition is allowed accordingly.

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
MAY 27, 2020.

ITEM NO.17

VC No. 09

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). 2860/2019

KAMALIKA GANGULY

Petitioner(s)

VERSUS

RUDRADEEP GANGULY

Respondent(s)

IA No. 45501/2020 - APPROPRIATE ORDERS/DIRECTIONS
 IA No. 184974/2019 - EXEMPTION FROM FILING O.T.
 IA No. 184972/2019 - STAY APPLICATION)

Date : 27-05-2020 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Abhinav Shrivastava, Adv.
 M/S. Gsl Chambers, AOR

For Respondent(s) Mr. Jaydeb Das, Adv.
 Mr. Prithvijoy Das, Adv.
 Mr. Satish Kumar, AOR

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

The Court is convened through video conferencing.

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

Pending application(s), if any, stands disposed of
 accordingly.

(ASHWANI KUMAR)
 COURT MASTER (SH)

(R.S. NARAYANAN)
 COURT MASTER (NSH)

(Signed order is placed on the file)