

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 108 OF 2024

KSHAMA @ APARNA BHADAURIA

PETITIONER

VERSUS

ABHAY BHADAURIA

RESPONDENT

ORDER

1. The petitioner-wife has filed the present petition under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of a petition for restitution of conjugal rights filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 bearing Matrimonial Case No. 2568 of 2023 titled "**Abhay Bhaduria Vs. Kshama @ Aparna Bhaduria**" pending before the Principal Judge, Family Court at Agra, Uttar Pradesh to the Principal Judge, Family Court, Gwalior District, Madhya Pradesh.
2. As per the office report dated 04th March, 2024, service of notice is complete on the respondent-husband. Despite the same, the respondent-husband is unrepresented.
3. Having heard learned counsel for the petitioner-wife and on examining the grounds taken in the transfer petition, we direct transfer of Matrimonial Case No.2568 of 2023 titled "**Abhay Bhaduria Vs. Kshama @ Aparna Bhaduria**" pending before the Principal Judge, Family Court at Agra, Uttar Pradesh to the Principal Judge, Family Court, Gwalior District, Madhya Pradesh.

4. The record of the case be transferred immediately to the transferee Court.
5. Further, liberty is granted to the respondent-husband to move an appropriate application before the transferee Court for permission to participate in the proceedings virtually. If such a request is made, the transferee Court may grant such permission and direct the personal presence of the respondent-husband only when it is absolutely necessary. Further, if examination of the outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the transferee Court shall consider the same and pass appropriate orders.
6. The Transfer Petition is allowed on the above terms. Pending applications are disposed of.

.....J.
[HIMA KOHLI]

.....J.
[AHSANUDDIN AMANULLAH]

NEW DELHI
MARCH 06, 2024
PS

ITEM NO.9

COURT NO.11

SECTION XI

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. 108/2024

KSHAMA @ APARNA BHADAURIA

PETITIONER(S)

VERSUS

ABHAY BHADAURIA

RESPONDENT(S)

(IA No. 10547/2024 - EXEMPTION FROM FILING O.T., IA No. 10546/2024
- STAY APPLICATION)

Date : 06-03-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s)

Mr. Shreyansh Raniwala, Adv.
Mr. Amaan Shreyas, Adv.
Mr. Shivang Goel, Adv.
Ms. Jaikriti S. Jadeja, AOR

For Respondent(s)

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

The transfer petition is allowed in terms of the signed order, which is
placed on the file.

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)