

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (CIVIL) NO.99 OF 2021

SMRITI JAISWAL

PETITIONER

VERSUS

KUMAR RAHASYAM

RESPONDENT

O R D E R

The prayer in the petition, inter-alia, is as follows:-

(A) Transfer the Petition filed under section 13(1)(ia)(ib) and 13 (1A)(ii) of the Hindu Marriage Act being F.C. No.127/2020 titled as "*Kumar Rahasyam Vs. Smriti Jaiswal*" pending in the Court of Family Court, Rangareddy District, Telangana State to the court of Principal Judge, Family Court, Patna (Bihar), under the jurisdiction of High Court of Judicature at Patna.

Heard the learned counsel for the petitioner and the learned senior counsel for the respondent.

Learned senior counsel for the respondent (husband) would point out that a petition seeking restitution of conjugal rights filed by the respondent (husband) was allowed. Secondly, it is pointed out that the petitioner (wife) is not actually residing in Patna, Bihar and she is living in Silchar, Assam. Learned counsel for the petitioner on the other hand would submit that actually the petitioner (wife) is residing with her mother in Patna, Bihar.

Keeping in view the facts of this case, we are of the view that the petition should be allowed in terms of the prayer. The F.C. No.127/2020 titled as "*Kumar Rahasyam vs. Smriti Jaiswal*" pending in the Court of Family Court, Rangareddy District, Telangana State is ordered to be transferred to the Court of Principal Judge, Family Court, Patna (Bihar), under the jurisdiction of High Court of Judicature at Patna.

All files of the case shall be transferred to the transferee Court and the Registry will immediately communicate a copy of this order to the transferor Court for effecting compliance.

We make it clear that this order will not relieve the obligation of the transferee Court to make all efforts at reconciliation of the parties in the matrimonial dispute.

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

.....J.
[K. M. JOSEPH]

.....J.
[HRISHIKESH ROY]

New Delhi
12th October, 2022

ITEM NO.11

COURT NO.5

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s). 99/2021

SMRITI JAISWAL

Petitioner(s)

VERSUS

KUMAR RAHASYAM

Respondent(s)

(IA No. 8994/2021 - EX-PARTE STAY
IA No. 8995/2021 - EXEMPTION FROM FILING AFFIDAVIT)

Date : 12-10-2022 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Mr. Neeraj Shekhar, AOR
Dr. Sumit Kumar, Adv.
Mr. Keshav B., Adv.
Ms. Mrigna Shekhar, Adv.
Ms. Ayushi Singh, Adv.

For Respondent(s) Mr. R. Balasubramanian, Sr. Adv.
Dr. Ram Sankar, Adv.
Mr. Viswanthan Iyer, Adv.
Ms. Sujata Bagadhi, Adv.
Ms. R. V. Shaarumathi, Adv.
Ms. Anadhi, Adv.
For M/S. Ram Sankar & Co, AOR

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.

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

(JAGDISH KUMAR)
COURT MASTER (SH)

(RENU KAPOOR)
ASSISTANT REGISTRAR

(Original signed order is placed on the file)