

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 121 OF 2007

S.SHANKAR NARAYAN Petitioner(s)

VERSUS

S.SRIVIDYA Respondent(s)

(With appln(s) for stay and office report)

Date: 12/07/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.K. THAKKER  
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s) Mr. K Ramamoorthy, Sr. Adv.  
Ms. N. Shoba, Adv.  
Mr. Sri Ram J Thalapathy, Adv.  
Mr. V Adhimoolam, Adv.

For Respondent(s) In-Person

UPON hearing counsel the Court made the following  
ORDER

The transfer petition is disposed in terms of the  
signed order.

[ Charanjeet Kaur ] [ Vinod Kulvi ]  
Court Master Court Master

[ Signed order is placed on the file ]  
IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 121 OF 2007

S. Shankar Narayan .. Petitioner(s)  
Versus

S. Srividya .. Respondent(s)

ORDER

We have heard learned counsel for the petitioner and the  
respondent appearing in person.

The present petition is filed by the petitioner-husband for  
transferring of a petition filed by the respondent-wife under Section 9 of the  
Hindu Marriage Act, 1955 for restitution of conjugal rights pending in the  
Family Court at Coimbatore.

It may be observed at this stage that earlier the respondent had  
come up by way of transfer petition being T.P.(C) No. 876 of 2005. In that  
case a petition for divorce was filed before Additional District and Sessions

Judge, Tis Hazari, New Delhi which was sought to be transferred at the prayer of the respondent to the Family Court at Coimbatore. After hearing the parties, this court rejected the prayer of the respondent for transfer and following order was passed:

..2/-

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"Having heard the learned Counsel for the parties, we do not think that any case is made out for transfer of H.M.A. No. 472 of 2005, titled as Shankar Narayan Subramanian vs. S. Srividya, pending before the Court of the Additional District and Sessions Judge, Tis Hazari, Delhi to the Court of Family Judge, Coimbatore, Tamil Nadu. However, the respondent would pay Economy class air fare for to and fro journey of the petitioner and a person accompanying her for each date of hearing; in addition, he will pay a sum of Rupees two thousand for lodging expenses for the days the petitioner and a person accompanying her are required to be in Delhi in connection with the case of which transfer is sought.

The transfer petition is, accordingly, disposed of.  
No costs."

In view of the above order, it is clear that so far as the petition filed by the husband for divorce is concerned, it is pending before the Additional District and Sessions Judge, Tis Hazari, New Delhi. Now the respondent has approached the Family Court, Coimbatore, Tamil Nadu by filing petition for restitution of conjugal rights filed under Section 9 of the Hindu Marriage Act, 1955.

In the facts and circumstances of the case, therefore, in our opinion, the prayer of the petitioner-husband deserves to be granted by transferring the petition for restitution of conjugal rights filed by the respondent-wife and pending in the Family Court of Coimbatore, Tamil Nadu to the Court of

..3/-

: 3:

Additional District and Sessions Judge, Tis Hazari, New Delhi to be tried and disposed of along with petition filed by the petitioner-husband for divorce.

So far as respondent-wife is concerned, like the direction issued by this Court earlier, we order the petitioner-husband to will pay Economy class air fare for to and fro journey of the respondent-wife and a person accompanying her for each date of hearing; in addition, he will pay a sum of Rupees three thousand for lodging expenses for the days the respondent and a person accompanying her are required to be in Delhi in connection with the case of which transfer is sought.

It was stated by the respondent-wife that appropriate order may be passed for payment of interim maintenance as also expenses. In our opinion, since the prayer of the petitioner-husband in the present case relates only to transfer of case, it would not be appropriate to pass any order or to make any observation so far as maintenance pendente lite and expenses are concerned. It is, however, open to the respondent-wife to make appropriate application in accordance with law. As and when such an application is filed, appropriate Court will pass appropriate order in accordance with law.

Learned counsel for the respondent-wife prayed that this Court may issue a direction to the trial Court so that all the proceedings are disposed of expeditiously. We request the trial Court to give priority to both the matters and dispose them of as expeditiously as possible, preferably within a period of

:4:

six months.

The transfer petition is, accordingly, disposed of.

.....J  
[ C.K. THAKKER ]

.....J  
[ ALTAMAS KABIR ]

NEW DELHI,  
JULY 12, 2007.