

ITEM NO.63

COURT NO.9

SECTION XVIA

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. 423 OF 2013

ANKITA VARMA

Petitioner(s)

VERSUS

ANKUR DARBARI

Respondent(s)

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

Date: 12/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Ms. Anitha Shenoy, Adv.

Ms. Neha Singh, Adv.

Ms. Vishruti Vijay, Adv.

For Respondent(s)

Mr. Wajeeh Shafiq, Adv.

UPON hearing counsel the Court made the following

O R D E R

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

No costs.

|(VINOD LAKHINA)
|COURT MASTER

|(INDU BALA KAPUR)
|COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.423 OF 2013

ANKITA VARMA

...PETITIONER

VERSUS

ANKUR DARBARI

...RESPONDENT

ORDER

This petition for transfer is filed by the wife seeking transfer of the proceedings in Suit No.15 of 2013, pending before the Principal Judge, Family Court, Lucknow to the Family Court at Dwarka, New Delhi.

It is submitted by Ms. Anitha Shenoy, learned counsel appearing for the petitioner that the wife is permanent resident of Delhi. She has a 15 months' old son to look after. She would find it very difficult to travel from Delhi to Lucknow on each and every date in the trial Court.

On the other hand, it is submitted by learned counsel for the respondent that the husband is highly placed Air Force Officer; he is holding a very sensitive post and, therefore, it would not be

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possible for him to attend the proceedings in Delhi. This apart, learned counsel for the respondent has submitted that there is a strong possibility of an amicable settlement if the parties are referred to mediation.

We have considered the submissions made by learned counsel for the parties. We are unable to accept the submission made by the learned counsel for the respondent that there is a possibility of settlement in view of categorical averments made by the respondent in the counter affidavit. In Para 9 of the counter affidavit, he has clearly stated that the married life of the parties is full of instances of disagreements, petitioner's imprudent and unreasonable demands mainly for money, her indifferent, disrespectful and insensitive behaviour towards the answering respondent, his parents and his service and the situations which are not wisely handled with by the petitioner and her parents. However, in spite of this, he is looking for an amicable solution to the present situation. In our opinion, such a conditional resolve to settle the issue cannot be accepted.

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Keeping in view the inconvenience that would be caused to the petitioner-wife, we direct that the Suit No.15/2013, titled as "Sqn. Ldr. Ankur Darbari vs. Smt. Ankita Verma", pending before the Principal Judge, Family Court, Lucknow be transferred to the

Family Court at Dwarka, New Delhi.
No costs.

.....,J.
(SURINDER SINGH NIJJAR)

.....,J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI
AUGUST 12, 2013