

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C)No.1113 of 2021

KANCHAN ARORA

PETITIONER

VERSUS

PRATEEK BATRA

RESPONDENT

O R D E R

1. The petitioner-wife seeks transfer of HMA Case No.841 A of 2020, titled as "Sh. Prateek Batra vs. Smt. Kanchan Arora", filed by the respondent-husband under Section 13(1) of the Hindu Marriage Act, 1955. The above-stated case is pending before the Principal Judge, Family Court, Gwalior, Madhya Pradesh and the petitioner - wife seeks transfer thereof to the Principal Judge, Family Court, Yamunanagar at Jagadhri, Haryana.

2. Heard learned counsel for the parties and carefully perused the material placed on record.

3. It is true that the two sons born out of the wedlock are in the custody of the respondent - husband. However, having regard to the distance between two places, which is about 550 kms., coupled with the fact that the petitioner - wife does not have any independent source of livelihood, the Transfer Petition is allowed and HMA Case No.841A of 2020, titled as "Sh. Prateek Batra vs. Smt. Kanchan Arora", filed by the respondent-husband under Section 13(1) of the Hindu Marriage Act, 1955, pending before the Principal Judge, Family Court, Gwalior, Madhya Pradesh is ordered to be

transferred to the Principal Judge, Family Court, Yamunanagar at Jagadhri, Haryana. The records be forwarded to the Transferee Court forthwith.

4. It is, however, directed that the Principal Judge, Family Court, Yamunanagar at Jagadhri, Haryana shall permit the respondent - husband to appear through Video Conferencing except on those dates when his presence is compulsorily required.

5. As a result, pending interlocutory applications, if any, also stand disposed of.

.....J.  
(SURYA KANT)

.....J.  
(J.K. MAHESHWARI)

NEW DELHI;  
DECEMBER 09, 2022.

ITEM NO.3

COURT NO.11

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).1113/2021

KANCHAN ARORA

Petitioner(s)

VERSUS

PRATEEK BATRA

Respondent(s)

(IA No.73782/2021-EX-PARTE STAY and IA No.73783/2021-EXEMPTION FROM FILING O.T.

IA No.73782/2021 - EX-PARTE STAY

IA No.73783/2021 - EXEMPTION FROM FILING O.T.)

Date : 09-12-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Shubham Bhalla, AOR  
 Mr. Yajur Bhalla, Adv.  
 Mr. Jai Surya Jain, Adv.  
 Mr. Ashish Vajpayee, Adv.  
 Mr. Sumair Ahuja, Adv.  
 Mr. Deepak Samota, Adv.  
 Ms. Ragini Sharma, Adv.

For Respondent(s) Mr. Siddhartha Sinha, Adv.  
 Mr. Kunal Soni, Adv.  
 Mr. Tathagat Sharma, Adv.  
 Mr. Chalasani Venkat, Adv.  
 Mr. Hithindra Manda, Adv.  
 Mr. M. Chanrakanth Reddy, Adv.  
 Mr. Sandeep Singh, AOR  
 Mr. Shivam Singhanian, Adv.

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. The records be forwarded to the Transferee Court forthwith.

As a result, pending interlocutory applications, if any, also stand disposed of.

(SATISH KUMAR YADAV)  
 DEPUTY REGISTRAR

(PREETHI T.C.)  
 COURT MASTER (NSH)

(Signed order is placed on the file)