

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.725 OF 2024

JYOTI

PETITIONER

VERSUS

MANOJ KUMAR

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 H.M.A. No.1164 of 2023 titled "Manoj Kumar Vs. Jyoti" pending before the Principal Judge, Family Court, Dehradun, Uttarakhand to the Principal Judge, Family Court, Rohtak, Haryana.
2. As per the office report dated 6th August, 2024, service of notice is complete on the respondent-husband. Despite the same, the respondent-husband is unrepresented.
3. Having heard the learned counsel for the petitioner-wife and on examining the grounds taken in the transfer petition, we direct transfer of Case bearing H.M.A. No.1164 of 2023 titled "Manoj Kumar Vs. Jyoti" pending before the Principal Judge, Family Court, Dehradun, Uttarakhand to the Principal Judge, Family Court, Rohtak, Haryana.
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.
[PRASHANT KUMAR MISHRA]

NEW DELHI
AUGUST 07, 2024
PS

ITEM NO.8

COURT NO.9

SECTION X

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. 725/2024

JYOTI

PETITIONER

VERSUS

MANOJ KUMAR

RESPONDENT

(IA No. 65058/2024 - EX-PARTE STAY, IA No. 65057/2024 - EXEMPTION
FROM FILING O.T.)

Date : 07-08-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s)

Mr. Anil Hooda, Adv.
Mr. Jitendra Hooda, Adv.
Mr. Shafik Ahmed, Adv.
Mr. Ajay Sharma, Adv.
Mr. Sunny, Adv.
Mr. Bhagwat Dayal, Adv.
Ms. Anju, Adv.
Mr. Varun Mishra, 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)