

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 855 OF 2023

DEBASMITA SURAJ PADHI @ MITU

Petitioner(s)

VERSUS

SURAJ SURATHA PADHI @JITU

Respondent(s)

ORDER

The petitioner (wife) has filed this transfer petition seeking transfer of M.P. No. 138 of 2022 titled as *Suraj Suratha Padhi v. Debasmita Suraj Padhi* filed by the respondent(husband) under Section 13(1)(ib) and (1A)(ii) of the Hindu Marriage Act, 1955, pending before the Court of Civil Judge (S.D.) Palghar at Palghar (Maharashtra) to Family Court, Dhenkanal, Orissa.

Vide order dated 20.07.2023 and 30.11.2023 passed by this Court, the parties were referred for mediation before the Supreme Court Mediation Centre to mediate the issues and for settlement between the parties. As per the report dated 05.10.2023 and 17.02.2024 received from the Supreme Court

Mediation Centre, mediation remained unsuccessful.

Having heard learned counsel for the parties and considering the fact that a minor daughter is with the petitioner and the distance between Palghar, Maharashtra, and Dhenkanal, Orissa, is approximately 1600 kilometers and therefore, it would be inconvenient to the petitioner to attend the proceedings at Palghar, Maharashtra, we deem it appropriate to allow this transfer petition. Accordingly, M.P. No. 138 of 2022 titled as *Suraj Suratha Padhi v. Debasmita Suraj Padhi* filed by the respondent(husband) under Section 13(1)(ib) and (1A)(ii) of the Hindu Marriage Act, 1955, pending before the Court of Civil Judge (S.D.) Palghar at Palghar (Maharashtra) is ordered to be transferred to Family Court, Dhenkanal, Orissa.

Needless to observe that the transferee Court may allow the presence of the respondent-husband on virtual platform without insisting for his presence on every date until required necessarily.

Let the records of the case be transferred to the transferee Court without delay and an intimation be sent to both the Courts through e-mail for compliance.

The transfer petition is, accordingly, allowed.

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

....., **J.**
[J.K. MAHESHWARI]

....., **J.**
[SANJAY KAROL]

New Delhi;
February 28, 2024.

ITEM NO.2

COURT NO.9

SECTION IX

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. 855/2023

DEBASMITA SURAJ PADHI @ MITU

Petitioner(s)

VERSUS

SURAJ SURATHA PADHI

Respondent(s)

(IA No. 68222/2023 - EXEMPTION FROM FILING O.T. and IA No. 68221/2023 - STAY APPLICATION)

Date : 28-02-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Prasenjeet Mohapatra, AOR

For Respondent(s)

Mr. Hitendra Nath Rath, AOR
Ms. Harshita Nigam, 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.

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

(NIDHI AHUJA)
AR-cum-PS

(POOJA SHARMA)
COURT MASTER (NSH)

[Signed order is placed on the file.]