

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.740 OF 2020

MOHINI RAVINDRA SHAH

Petitioner

VERSUS

KUSHAGRA MODI

Respondent

O R D E R

This petition has been filed by the petitioner-wife under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of the Case No. 661 of 2019, tiled as "*Kushagra Modi Versus Mohini Ravindra Shah*", pending before the Family Court No. 1, Bikaner, Rajasthan to the appropriate Family Court at Mumbai, Maharashtra.

Petitioner and respondent were married as per Hindu rites and ceremonies on 20th February, 2018. Consequently, a marital discord arises.

Respondent-husband filed a petition under Section 13 of the Hindu Marriage Act, 1955 before the Family Court at Bikaner, Rajasthan. The petitioner presently resides at Mumbai and has filed the petition for transfer of the proceedings pending before the Family Court, Bikaner, Rajasthan.

This Court vide its order dated 30.07.2020 has stayed further proceedings in Case No. 661 of 2019, tiled as "*Kushagra Modi Versus Mohini Ravindra Shah*", pending before the Family Court No. 1, Bikaner, Rajasthan.

Respondent-husband has entered his appearance and Mr. K. Paari Vendhan, learned counsel for the respondent has given a statement before this Court that he has received the message from the respondent that the respondent-husband has no objection, if, the matter is transferred to the Family Court at Mumbai, Maharashtra.

Therefore, the Transfer Petition stands allowed.

Accordingly, Case No. 661 of 2019, tiled as "*Kushagra Modi Versus Mohini Ravindra Shah*", pending before the Family Court No. 1, Bikaner, Rajasthan is hereby transferred to the appropriate Family Court at Mumbai, Maharashtra.

Considering that its being a matrimonial matter and enough time has already been lost, the Family Court at Mumbai is directed to dispose of the matter as expeditiously as possible.

It is also made clear that the matter shall proceed before the Family Court at Mumbai from the stage at which it was left at the Family Court, Bikaner.

Interim order of stay shall also be vacated.

.....J.
[SUDHANSHU DHULIA]

NEW DELHI;
JULY 29, 2022

ITEM NO.1625

COURT NO.12

SECTION XVI-A

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 (Civil) No. 740/2020

MOHINI RAVINDRA SHAH

Petitioner

VERSUS

KUSHAGRA MODI

Respondent

(IA No. 94211/2020 - EXEMPTION FROM FILING AFFIDAVIT
IA No. 63141/2020 - EXEMPTION FROM FILING O.T.
IA No. 63140/2020 - STAY APPLICATION)

Date : 29-07-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SUDHANSHU DHULIA

For Petitioner(s) Mr. Anish Kumar Gupta, AOR
Mrs. Archana Preeti Gupta, Adv.
Mr. Nisarg Choudhary, Adv.
Ms. Rita Gupta, Adv.

For Respondent(s) Mr. Rishabh Sancheti, Adv.
Mr. Navandeep Matta, Adv.
Mr. Anchit Bhandari, Adv.
Mr. K. Paari Vendhan, AOR

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.

Interim order of stay shall also be vacated.

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

(SNEHA DAS)
SENIOR PERSONAL ASSISTANT

(RANJANA SHAILEY)
COURT MASTER (NSH)

(Signed order is placed in the file)