

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 860 OF 2012

RACHNA BATRA

PETITIONER(s)

VERSUS

SAURABH BATRA

RESPONDENT(s)

O R D E R

This is wife's petition for transfer of matrimonial case being H.M.A. No. 100 of 2012, titled as "Saurabh Batra vs. Rachna Batra", from the Family Court, New Delhi to a court of competent jurisdiction at Durg, Chhattisgarh.

2. In opposition to the Transfer Petition, respondent has filed counter-affidavit wherein it is stated that the respondent has genuine apprehension of being killed by the musclemen of the father of the petitioner.

3. Rejoinder-affidavit has been filed to the counter-affidavit filed by the respondent.

4. On 3.12.2012, at the request of the learned counsel for the respondent and not objected to by the learned counsel for the petitioner, we referred the matter to the Supreme Court Mediation Centre. However, we were informed that mediation proceedings could not fructify in resolution of disputes between the parties.

5. On 26.7.2013, learned counsel for the respondent again prayed for one more opportunity to enable the parties to explore the possibility of amicable settlement. It was submitted that another offer in writing shall be given by the respondent to the petitioner for amicable resolution. Even that offer has not been accepted by the petitioner.

6. In view of the fact that the respondent twice made efforts to resolve the dispute amicably, in our view, had there been any apprehension to the life of the respondent as stated in the counter-affidavit, he would not have made efforts for settlement with the petitioner.

7. Having regard to the fact that the petitioner-wife is presently residing in Durg (Chhattisgarh), we are satisfied that greater hardship shall be caused to her in case the proceedings in the above matrimonial case are allowed to be continued at New Delhi.

8. We, accordingly, allow the transfer petition and transfer matrimonial case being H.M.A. No. 100 of 2012, titled as "Saurabh Batra vs. Rachna Batra", from the Family Court, New Delhi to the Family Court, Durg, Chhattisgarh. The transferrer court shall transmit the record and proceedings of the transferred matrimonial case to the transferee court without any delay.

9. The transferee court is requested to hear and decide the transferred matrimonial case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the matrimonial case.

10. No costs.

.....J.
(R.M. LODHA)

NEW DELHI;
AUGUST 30, 2013.

.....J.
(MADAN B. LOKUR)

ITEM NO.47

COURT NO.3

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(s). 860 OF 2012

RACHNA BATRA

Petitioner(s)

VERSUS

SAURABH BATRA

Respondent(s)

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

Date: 30/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s)

Mr. Suresh C. Gupta, Adv.

Mr. B.K. Mishra, Adv.
Mr. Praneet Ranjan, Adv.

For Respondent(s) Mr. Ranjan Mukherjee, Adv. for
Mrs Sarla Chandra, Adv.

UPON hearing counsel the Court made the following
O R D E R

Transfer Petition is allowed in terms of signed order. No
costs.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]