

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C) NO.1028 of 2011

Nidhi Agarwal Petitioner

Versus

Rohit Agarwal Respondent

O R D E R

1. Mr. M. Shoeb Alam appeared for Petitioner and Mr. Sudhir Chandra, learned Senior Counsel with other counsel appeared for Respondent.

2. The Petitioner - wife has filed this Petition under Section 25 of the Code of Civil Procedure with the prayer for transfer of H.M.A. Petition No.31 of 2011 titled as "Rohit Agarwal vs. Nidhi Agarwal" pending before the Principal Family Court, Allahabad (U.P.) to the Family Court at Nyaya Degula, Siddiah Road, Bengaluru (Karnataka).

3. On earlier occasion, we had thought it fit and proper to refer the matter to the Supreme Court Mediation Centre with a fond hope that the matter may be settled amicably between the parties.

4. The Mediator's Report is already placed on record and the same has failed.

5. Thus, having heard learned counsel for Petitioner and learned Senior Counsel for Respondent and after having gone through the Transfer Petition, even though we ignored the facts as appearing in paras G and H of the Transfer Petition but we are still inclined to transfer the matter to the Family Court at Nyaya Degula, Siddiah Road, Bengaluru (Karnataka). We order accordingly. The parties are directed to appear before the said Court at Bengaluru (Karnataka) on 14.08.2012 and the Principal Family Court, Allahabad (U.P.) is directed to remit the record to the said Court forthwith.

6. The Petitioner - wife would file her Written Statement, if she has not filed already, within fifteen days from the date, she puts in appearance on 14.08.2012. The Court, thereafter, would frame issues and decide the suit itself as expeditiously as possible and preferably within a period of nine (9) months from the date of framing of the Issues. It is also expected that none of the parties would seek undue adjournment of the matter.

7. Office is directed to send the copies of the order to the Courts at Allahabad (U.P.) and Bengaluru (Karnataka) both.

8. The Transfer Petition is allowed in the above terms.

.....J
[Deepak Verma]

.....J
[Gyan Sudha Misra]

NEW DELHI;
July 02, 2012.
ITEM NO.41

COURT NO.9

SECTION XVIA

TRANSFER PETITION (CIVIL.) NO(s). 1028 OF 2011

NIDHI AGARWAL

Petitioner(s)

VERSUS

ROHIT AGARWAL

Respondent(s)

(With appln(s) for exemption from filing O.T. and stay and office report)
With I.A. No.4 (Application for permission to file short Rejoinder
Affidavit).

Date: 02/07/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. M. Shoeb Alam, Adv.
Mr. Ashok Panigrahi, Adv.

For Respondent(s) Mr. Sudhir Chandra, Sr. Adv.
Mr. Vinay Garg, Adv.

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

The Transfer Petition is allowed in the terms of the signed order.

(Sanjay Kumar-II)	Court	(S.S.R. Krishna)	
Master		Court Master	

[Signed Order is placed on the file]