

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 731 OF 2023

MANJU

PETITIONER

VERSUS

UPENDER GAUTAM

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 divorce filed by the respondent-husband under Section 13 (1)(i-a) of the Hindu Marriage Act, 1955, bearing No. DMC 152 of 2021, titled "*Upender Gautam Vs. Manju*" pending before the Additional District Judge cum Principal Judge, Family Court, Panipat, Haryana to the Principal Judge, Family Court, Rohini Courts, Delhi.
2. *Vide* order dated 09<sup>th</sup> August, 2023, parties were referred to the Supreme Court Mediation Centre for negotiating a settlement, if any.
3. On 13<sup>th</sup> December, 2023, having regard to the fact that we were informed that the parties have arrived at a settlement, but at the last minute the respondent-husband had refused to sign the settlement agreement, it was deemed appropriate to direct the physical presence of parties today.
4. Both the parties are present in-person today. We have interacted with them. The respondent-husband is adamant about refusing to sign the settlement agreement and states that he would rather pursue the divorce petition filed by him against the

petitioner-wife.

5. In view of the aforesaid position and having regard to the grounds taken in the transfer petition, we direct transfer of the petition bearing No. DMC 152 of 2021, titled **“Upendar Gautam Vs. Manju”** pending before the Additional District Judge cum Principal Judge, Family Court, Panipat, Haryana to the Principal Judge, Family Court, Rohini Courts, Delhi.
6. The records of the case be transferred forthwith to the transferee Court.
7. 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 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.
8. The Transfer petition is allowed.
9. Pending applications are disposed of.

.....J.  
**(HIMA KOHLI)**

.....J.  
**(AHSANUDDIN AMANULLAH)**

**NEW DELHI;**  
**JANUARY 04, 2024.**

PS

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. 731/2023

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UPENDER GAUTAM

RESPONDENT

(MEDIATION REPORT RECEIVED.)  
(IA No. 58957/2023 - STAY APPLICATION)

Date : 04-01-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI  
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Ajay Marwah, AOR  
Mr. Swaroopanand Mishra, Adv.  
Mr. Karan Thakur, Adv.  
Mr. Sanjay Shukla, Adv.

For Respondent(s) Mr. Devvrat, AOR  
Mr. Devesh Kumar Agnihotri, Adv.  
Ms. Swati Setia, Adv.  
Mr. Vinod Kumar Goyal, 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, which is  
placed on the file.

(POOJA SHARMA)  
COURT MASTER (SH)

(NAND KISHOR)  
COURT MASTER (NSH)