

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C)No.987 of 2023

POOJA PANKAJ DIWEDI @ POOJA AMRESH TIWARI

PETITIONER

VERSUS

PANKAJ RAMASHANKAR DIWEDI

RESPONDENT

O R D E R

1. The petitioner-wife seeks transfer of Marriage Petition No.235 of 2020, titled as "Mr. Pankaj Ramashankar Diwedi vs. Mrs. Pooja Pankaj Diwedi @ Pooja Amresh Tiwari", filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955, which is pending before the Court of Civil Judge (SD), at Vasi, District Thane, Maharashtra. The petitioner-wife seeks transfer thereof to the Court of Principal Judge, Family Court, Varanasi, Uttar Pradesh.

2. The marriage between the parties was solemnized on 29.01.2016, and a son born out of the wedlock on 13.02.2018, is under the care and custody of the petitioner-wife.

3. As per the Office Report dated 23.08.2023, service is complete on the respondent-husband but no one has entered appearance on his behalf so far.

4. Heard the learned counsel for the petitioner and carefully perused the material placed on record.

5. The petitioner-wife has sought transfer of the case mainly on the grounds of financial difficulty and her inability to travel from Varanasi, Uttar Pradesh to Thane, Maharashtra, which is at a distance of about 1500 kms, to attend the proceedings of the case filed by the respondent-husband.

6. Taking into consideration the hardships which are likely to be faced by the petitioner-wife in contesting the case at Thane, Maharashtra, we deem it appropriate to allow the instant petition.

7. The Transfer Petition is, accordingly, allowed and Marriage Petition No.235 of 2020, titled as "Mr. Pankaj Ramashankar Diwedi vs. Mrs. Pooja Pankaj Diwedi @ Pooja Amresh Tiwari", filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955, which is pending before the Court of Civil Judge (SD), At Vasi, District Thane, Maharashtra is ordered to be transferred to the Court of Principal Judge, Family Court, Varanasi, Uttar Pradesh. The records be forwarded to the Transferee Court forthwith.

8. As a result, pending interlocutory application also stands disposed of.

.....J.
(M.M. SUNDRESH)

.....J.
(J.B. PARDIWALA)

NEW DELHI;
AUGUST 31, 2023.

ITEM NO.5

COURT NO.14

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(s).987/2023

POOJA PANKAJ DIWEDI @ POOJA AMRESH TIWARI

Petitioner(s)

VERSUS

PANKAJ RAMASHANKAR DIWEDI

Respondent(s)

IA No.76912/2023 - EX-PARTE STAY

Date : 31-08-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s) Mr. Sunil Kumar Singh, Adv.
Ms. Mukti Singh, AOR

For Respondent(s) None

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. The records be forwarded to the Transferee Court forthwith.

As a result, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(RAM SUBHAG SINGH)
COURT MASTER (NSH)

(Signed order is placed on the file)