

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO. 364 OF 2010

Basant Sethi

Petitioner

Versus

Gaurav Sethi

Respondent

WITH

TRANSFER PETITION (CIVIL) NO. 944 OF 2010

O R D E R

These Transfer Petitions Nos. 364 of 2010 and 944 of 2010, have been filed by the wife for transfer of Misc. Case No. 88/2009, titled Gaurav Sethi vs. Basant Sethi, pending before the 14th Additional District Judge, Ghaziabad, U.P., and Divorce Petition No. 193/2009 between the same parties pending before the Court of Civil Judge (Senior Division), Ghaziabad, both to the Court of District and Sessions Judge, Delhi. While the first petition is for custody of the minor girl child under the Guardians and Wards Act, 1890, the second petition is for transfer of the divorce petition which

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has been filed by the husband against the wife.

Learned counsel appearing for the respondent-husband submits that the respondent has no objection to the transfer of these two cases to the District Judge, Delhi, to be disposed of by a court of competent jurisdiction. Accordingly, the prayers in both the petitions are allowed.

Let the pending matters, being Misc. Case No. 88/2009, pending before the Court of the 14th Additional District Judge, Ghaziabad, and Divorce Petition No. 193/2009, pending before the Court of Civil Judge

(Senior Division), Ghaziabad, stand transferred to the Court of District & Sessions Judge, Delhi, for having the same disposed of by a court of competent jurisdiction.

During the hearing of the petitions, a prayer was made on behalf of the respondent-husband for being provided with an opportunity to meet his minor daughter. It is submitted on behalf of the petitioner-wife that a similar prayer is pending in connection with the custody matter, which is pending before the Civil Court at Ghaziabad. Be that as it may, as an interim measure, we

are inclined to consider the prayer made on behalf of the respondent-father/husband for access to the minor child during the pendency of the said proceedings, inasmuch as, in our view a minor child should not be made a victim of parental alienation. Accordingly, we

direct that the respondent-husband would be entitled to visit and meet the minor child on alternate Sundays in the house of the petitioner-wife during 9.00 a.m. to 1.00 p.m. If the child is willing, the respondent-husband may also take her out during the said hours, but return the child back to the custody of the petitioner-wife within 1.00 p.m.

We make it clear that this is only by way of an interim measure and should not, in any way, influence the decision in the pending application made by the respondent-husband for visitation rights to meet the minor child, in the custody proceedings.

Let a copy of this order be made available to the parties.

The Transfer Petitions are disposed of accordingly.

