

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(S)(CIVIL) NO. 669 OF 2019

PURVI GUPTA

Petitioner(s)

VERSUS

ANUP GUPTA

Respondent(s)

O R D E R

1. The present Petition has been filed by the petitioner praying, *inter alia*, for transfer of the petition being Matrimonial Suit No. 1264 of 2018 titled "*Sri Anup Gupta vs. Smt. Purvi Gupta*", under Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights pending before the learned District Judge at Howrah to the Family Court cum Vth Addl. District Judge at Visakhapatnam.

2. Appearance is entered on behalf of the respondent-husband.

3. Learned counsel for the respondent-husband states that he does not wish to file a reply to the Transfer Petition. He seeks to oppose the said petition on the ground that the respondent-husband is presently unemployed and not in a financial position to travel to Vishakapatnam to pursue the Section 9 petition filed by him for the restitution of the

conjugal rights.

4. Learned counsel for the petitioner-wife points out that the petitioner-wife is a homemaker and is taking care of the six year old daughter of the parties and is residing with her mother. It is pointed out that the respondent-husband has been regularly visiting Vishakhapatnam to contest the petition filed by the petitioner-wife under Section 125 Cr.P.C seeking maintenance.

5. Having regard to the facts and circumstances of the present case, it is deemed appropriate to allow the present petition. The records of Matrimonial Suit No. 1264 of 2018 titled "*Sri Anup Gupta vs. Smt. Purvi Gupta*", are directed to be remitted forthwith from the Court of the learned District Judge at Howrah to the Family Court cum Vth Additional District Judge at Visakhapatnam for the proceedings to commence from the point at which they were at Howrah.

6. The Petition is disposed of along with the pending application(s), if any.

.....J.
(HIMA KOHLI)

New Delhi
14th February, 2022

