

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

Transfer Petition (Civil) No 1065 of 2020

Katari Nitya Kalyani

Petitioner

Versus

Katari Sambasiva Rao

Respondent

ORDER

- 1 When this transfer petition, filed at the instance of the petitioner-wife, came up for hearing on 7 October 2020, the following order was passed:

“The petitioner (wife) seeks transfer of the Divorce Case filed by the Respondent(husband), pending in the Family Court at Guntur, Andhra Pradesh to a Competent Court at Warangal, Telangana.

Mr. Dushyant Parashar, the learned counsel appearing for the petitioner submits that the petitioner with her two sons was forced out of the Matrimonial Home and currently she is residing in her parental home at Warangal. She has applied for Maintenance. Two separate cases under the Domestic Violence Act and an FIR under Section 498A of the IPC and the Dowry Prohibition Act are also filed and all these proceedings are pending at Warangal. The learned counsel then submits that the petitioner with her two minor sons are dependent on her brother.

The respondent is projected to be a practising lawyer in Guntur Bar Association and the petitioner apprehends threat, if she proceeds to Guntur.

In view of above, let notice returnable within four weeks, be issued.

In the meantime there shall be stay of further proceedings in F.C.O.P. No. 344 of 2019 titled "Katari Sambasiva Rao Vs. Katari Nitya Kalyani", pending before the learned District Family Judge, Guntur, Andhra Pradesh."

- 2 As per the Office Report, the respondent-husband, who is an advocate and is practicing at Guntur, Andhra Pradesh, has been duly served on 31 October 2020 and again on 4 November 2020. No one has however entered appearance on his behalf. He does not appear in-person also.
- 3 In such circumstances and taking notice of the facts already mentioned in the order dated 7 October 2020 reproduced above, the instant transfer petition is allowed.
- 4 The F.C.O.P No 344 of 2019 titled "*Katari Sambasiva Rao vs Katari Nitya Kalyani*", pending before the District Family Judge, Guntur, Andhra Pradesh, is ordered to be transferred to the Family Court Judge at Warangal, Telangana.
- 5 The records shall be transferred to the transferee court forthwith. The transferee court shall issue fresh notice to the respondent to cause his appearance.

- 6 The transfer petition is disposed of in the above terms.
- 7 Pending applications, if any, stand disposed of.

New Delhi;
April 26, 2022
CKB

.....J.
[Surya Kant]

ITEM NO.1620

COURT NO.4

SECTION XVI-A

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 (Civil) No.1065/2020

KATARI NITYA KALYANI

Petitioner(s)

VERSUS

KATARI SAMBASIVA RAO

Respondent(s)

(With IA No.53963/2020 - STAY APPLICATION)

Date : 26-04-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s) Mr. Dushyant Parashar, AOR
Mr. Dinesh Pandey, Adv.
Mr. Manu Parashar, Adv.

For Respondent(s)

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

- 1 The transfer petition is disposed of in terms of the signed order.
- 2 Pending applications, if any, stand disposed of.

(CHETAN KUMAR)
A.R. -cum-P.S.

(RAM SUBHAG SINGH)
Court Master

(Signed order is placed on the file)