

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.132 OF 2025

RAJNI @ RAJNI TYAGI

PETITIONER

VERSUS

KAPIL TYAGI

RESPONDENT

WITH

TRANSFER PETITION (CRIMINAL) NO.433 OF 2025

KAPIL TYAGI

PETITIONER

VERSUS

RAJNI TYAGI

RESPONDENT

O R D E R

TRANSFER PETITION (CIVIL) NO.132 OF 2025

Upon hearing learned counsel for the parties, initially, we are informed by the learned counsel for the respondent-husband that an agreement had been reached. However, on a further query with regard to the factual position, the petitioner-wife, who is present in person, through her counsel has informed that as per the agreement till yesterday, one of the flats owned by the respondent out of four, which are

situated in Bengaluru, were supposed to be transferred but in the settlement deed which she has received from the respondent-husband, the same has been changed to a property in Pune. It was submitted that the petitioner is suffering from cancer is now settled in Bengaluru and would thus, insist for the flat at Bengaluru.

2. For the purposes of taking instruction by the husband's counsel, we had adjourned the matter for post lunch. In the post lunch session, when the matter is taken up, learned counsel for the respondent submits that it would not be possible for the reason that the Bengaluru flat is still not fully owned by the respondent as he has to pay installments for the loan taken for buying the same. We find this to be totally irrelevant for the reason that the loan can still be paid by the respondent-husband and the title can be transferred with the undertaking that all liabilities arising out of the loan shall be borne by the respondent even after that. The respondent is not willing to agree to the suggestion which came from the petitioner with regard to giving her the flat in Bengaluru.

3. Be that as it may, we just note that the settlement even if there is a signed document, the same cannot be given effect to and it has failed.

4. The petitioner seeks transfer of Divorce Case bearing No.3357 of 2024 titled "*Kapil Tyagi v. Rajni @ Rajni Tyagi*" pending before the Court of Principal Judge, Family Court, Lucknow, Uttar Pradesh to the Court of Principal Judge, Family Court, Bengaluru, Karnataka.

5. Having regard to the facts and circumstances of the case and after hearing learned counsel for the parties, the Transfer Petition (Civil) No.132 of 2025 stands allowed. The subject-case is transferred to the Court of Principal Judge, Family Court, Bengaluru, Karnataka.

6. After the matter is transferred to the Court of Principal Judge, Family Court, Bengaluru, Karnataka, the concerned Court will give fresh notice to the parties by fixing a date and the aforesaid matter shall proceed before the said Court from the stage it was before the Court of Principal Judge, Family Court, Lucknow, Uttar Pradesh.

7. The respondent-husband is at liberty to move an application before the transferee court seeking permission for his presence through virtual mode, which shall be considered in accordance with law.

8. The records of the case be transferred to the transferee Court forthwith.

9. Pending application(s), if any, shall stand disposed of.

**TRANSFER PETITION (CRIMINAL) NO.433 OF 2025**

This petition is filed seeking transfer of Criminal Miscellaneous No.277 /2025, titled "*Mrs. Rajni Tyagi v. Mr. Kapil Tyagi*" pending before the Court of Principal Judge, Family Court, Bengaluru, Karnataka to the Court of Principal Judge, Family Court of competent jurisdiction in Lucknow, Uttar Pradesh.

2. After hearing learned counsel for the parties, we do not find any ground to transfer the said Case. Accordingly, the Transfer Petition stands dismissed.

3. Pending application(s), if any, shall stand disposed of.

.....J.  
(AHSANUDDIN AMANULLAH)

.....J.  
(S.V.N. BHATTI)

NEW DELHI  
24<sup>th</sup> JULY, 2025.

ITEM NO.11

COURT NO.15

SECTION XI

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).132/2025

RAJNI @ RAJNI TYAGI

Petitioner(s)

VERSUS

KAPIL TYAGI

Respondent(s)

[MEDIATION REPORT RECEIVED]

(IA No. 13665/2025 - EX-PARTE STAY  
IA No. 13669/2025 - EXEMPTION FROM FILING O.T.)

WITH

T.P.(Crl.) No.433/2025 (II-E)

(IA No. 123255/2025 - EX-PARTE STAY  
IA No. 123258/2025 - EXEMPTION FROM FILING O.T.)

Date : 24-07-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH  
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Shantanu Sagar, AOR

Mr. Subhasish Bhowmick, AOR  
Ms. Manisha Pandey, Adv.  
Ms. Rukshar, Adv.  
Mr. Rahul Kushwaha, Adv.  
Mr. Rakesh Kumar Tiwari, Adv.  
Mr. Aniruddha Singha Roy, Adv.

For Respondent(s) Mr. Shantanu Sagar, AOR

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

The Transfer Petition (Civil) No.132 of 2025 stands allowed  
and the Transfer Petition (Criminal) No.433 of 2025 stands

dismissed in terms of the signed order.

2. Pending application(s), if any, shall stand disposed of.

(SAPNA BISHT)  
COURT MASTER (SH)

(ANJALI PANWAR)  
COURT MASTER (NSH)