

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(s)(Civil) No(s). 22/2020

KUMARI PURNIMA BHARTI @ PURNIMA BHARTI Petitioner(s)

VERSUS

SURAJ RAJ Respondent(s)

O R D E R

Learned counsel for the respective parties submitted that the mediation between the parties has not been successful and therefore the Divorce case being Original Suit (M.T.S.) No. 672/2019 titled as "*Suraj Raj vs. Kumari Purnima Bharti @ Purnima Bharti*" pending in the Court of Principal Judge, Family Court, Ranchi be transferred to the Court of Principal Judge, Family Court, Bhagalpur, Bihar.

With the consent of the learned counsel for the respective parties, this petition is heard finally.

This petition has been filed under Section 25 of the Code of Civil Procedure, 1908 read with Order 36-B of the Supreme Court Rules, 2013 seeking transfer of the

aforementioned case which is pending in the Court of Principal Judge, Family Court, Ranchi to the Court of Principal Judge, Family Court, Bhagalpur, Bihar.

Learned counsel for the petitioner submitted that the petitioner is the wife of the respondent and she is presently residing at village Ganaul in Bhagalpur district, Bihar whereas the respondent has filed the Divorce Petition before the Family Court at Ranchi which is at a distance of about 400 kilometers. He further submitted that the petitioner is suffering from financial stringency and presently is residing with her aged parents and is not in a position to contest the aforesaid case in Ranchi. Having regard to the distance as well as financial constraints, he therefore submitted that the petitioner would be effectively aided so as to contest the Divorce petition if the same is transferred to the Family Court at Bhagalpur.

Per contra, learned counsel for the respondent objected to the transfer of the said petition and contended that this transfer petition lacks merits and has been filed only to delay the proceedings. He therefore contended that the petition may be dismissed.

Having heard learned counsel for the respective

parties and on perusal of the material on record, it is noted that the petitioner is residing with her old parents and secondly, she is having financial constraints. Moreover, the distance between her place of residence and where the petition has been filed is around 400 kilometers.

Bearing in mind the aforesaid facts and in the interest of justice, I deem it fit and proper to allow this transfer petition. Accordingly, Divorce case being Original Suit (M.T.S.) No. 672/2019 titled as "*Suraj Raj vs. Kumari Purnima Bharti @ Purnima Bharti*" pending in the Court of Principal Judge, Family Court, Ranchi is transferred to the Court of Principal Judge, Family Court, Bhagalpur, Bihar.

The Transfer Petition is allowed and disposed of with the aforesaid terms.

Pending applications, if any, shall stand disposed of.

.....J.
[B.V. NAGARATHNA]

New Delhi;
July 18, 2022.

ITEM NO.1610

COURT NO.11

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(s)(Civil) No(s). 22/2020

KUMARI PURNIMA BHARTI @ PURNIMA BHARTI

Petitioner(s)

VERSUS

SURAJ RAJ

Respondent(s)

(Mediation Report has not been received so far from Mediation Centre, Patna High Court.

IA No. 3681/2020 - EXEMPTION FROM FILING O.T.

IA No. 3680/2020 - STAY APPLICATION)

Date : 18-07-2022 This matter was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE B.V. NAGARATHNA

For Petitioner(s) Mr. Sanjeev Kumar, AOR
Mr. Ajay Amritraj, Adv.
Mr. Sanjay Kumar, Adv.
Mr. Sudhanshu Palo, Adv.

For Respondent(s) Mr. Gaurav Agrawal, AOR

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

The Transfer Petition is allowed and disposed of in terms of the signed Order.

Pending applications, if any, shall stand disposed of.

(JATINDER KAUR)
SENIOR PERSONAL ASSISTANT

(MALEKAR NAGARAJ)
BRANCH OFFICER

[Signed order is placed on the file]