

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

TRANSFER PETITION (CIVIL) NO. 91 OF 2023

DIMPAL KUMARI

Petitioner(s)

VERSUS

TEJASWI KUMAR

Respondent(s)

ORDER

The petitioner (wife) has filed this transfer petition seeking transfer of Original Suit (MTS) case No. 206 of 2021 titled as *Tejaswi Kumar v. Dimpal Kumari and Another* filed by the respondent (husband) under Section 13 of the Hindu Marriage Act, 1955, pending before Family Court, Hazaribagh, Jharkhand, to Family Court, Dehradun, Uttarakhand.

Despite service of notice on the respondent, no one has entered appearance on his behalf to oppose the prayer as made in the transfer petition.

Having heard learned counsel for the petitioner and considering the averments made in the transfer petition, in our view, it would be inconvenient to the petitioner(wife), to attend the proceedings at Hazaribagh, Jharkhand, which is quite far from Dehradun, Uttarkhand, where she is staying.

In view of the foregoing and having considered the facts

and circumstances of the case, we deem it appropriate to allow this transfer petition. Accordingly, Original Suit (MTS) Case No. 206 of 2021 titled as *Tejaswi Kumar v. Dimpal Kumari and Another* filed by the respondent (husband) under Section 13 of the Hindu Marriage Act, 1955, pending before Family Court, Hazaribagh, Jharkhand, is ordered to be transferred to Family Court, Dehradun, Uttarakhand.

Needless to observe that the transferee Court may allow the presence of the respondent(husband) on virtual platform without insisting for his presence on every date until required necessarily.

Let the records of the case be transferred to the transferee Court without delay and an intimation be sent to both the Courts through e-mail for compliance.

The transfer petition is, accordingly, allowed.

Pending application shall stand disposed of.

....., **J.**
[J.K. MAHESHWARI]

New Delhi;
November 29, 2023.

....., **J.**
[K.V. VISWANATHAN]

ITEM NO.3

COURT NO.11

SECTION XVII

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. 91/2023

DIMPAL KUMARI

Petitioner(s)

VERSUS

TEJASWI KUMAR

Respondent(s)

(IA No. 8209/2023 - EX-PARTE STAY and IA No. 8210/2023 - EXEMPTION FROM FILING O.T.)

Date : 29-11-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s)

Dr. Meera Agarwal, AOR
Mr. Ramesh Chandra Mishra, Adv.

For Respondent(s)

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

The transfer petition is allowed in terms of the signed order.

Pending application shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]