

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(Civil) No.271/2023

AAFRIN BANO

Petitioner(s)

VERSUS

SYED IMRAN QADIR

Respondent(s)

O R D E R

1. The present petition has been filed by the petitioner-wife seeking transfer of Petition being M.L. No.92 of 2022 titled as "Syed Imran Qadir vs. Aafrin Bano" filed by the respondent-husband seeking decree of restitution of conjugal rights under Mohammedan Law, pending before the Principal Judge, Family Court, Saket Courts, New Delhi to the Court of Principal Judge, Family Court, Bhagalpur, Bihar.

2. At the request of learned counsel for the parties, this Court by order dated 12-07-2023 referred the parties to the Supreme court Mediation Centre to explore the possibility of settlement and directed them to appear on 26-07-2023 at 11.30 a.m. through video conferencing initially. As per the Mediation Report dated 10-08-2023, the parties are not in a position to settle their dispute successfully at present.

3. Marriage between the parties was solemnized on 18-06-2020 and a son, born out of the wedlock, is presently in the care and custody of the petitioner.

4. Heard learned counsel for the petitioner and respondent-in-person and perused the record.

5. Taking into consideration the fact that the petitioner has to look after her minor son, it would be extremely difficult for her to pursue the divorce case instituted by Respondent (husband) at New Delhi.

6. In view of the above, but without expressing any views on the merits of the case, we allow the Transfer Petition. Consequently, Petition being M.L. No.92 of 2022 titled as "Syed Imran Qadir vs. Aafrin Bano", pending before the Principal Judge, Family Court, Saket Courts, New Delhi is ordered to be transferred to the Court of Principal Judge, Family Court, Bhagalpur, Bihar.

7. The Principal District Judge, Bhagalpur, Bihar shall ensure that the transferred case is also marked and taken up for hearing by the Family Court, which is dealing with Miscellaneous Case No.187/2022 titled "Aafrin Bano vs. Syed Imran Qadir" seeking maintenance. Furthermore, the said Court shall ensure that the dates convenient to the respondent (husband), who has to travel from Delhi, are so given as to not disrupt his normal work.

8. The records be forwarded to the transferee Court forthwith.

.....J
(S.RAVINDRA BHAT)

.....J
(ARAVIND KUMAR)

NEW DELHI
14TH SEPTEMBER, 2023.

ITEM NO.3

COURT NO.7

SECTION XIV

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 STransfer Petition(Civil) No.271/2023

AAFRIN BANO

Petitioner(s)

VERSUS

SYED IMRAN QADIR

Respondent(s)

(Mediation Report received)
(IA No. 21968/2023 - EX-PARTE STAY)

Date : 14-09-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE ARAVIND KUMAR

For Petitioner(s)

Mr. Hargovind Jha, Adv.
Mr. Rameshwar Prasad Goyal, AOR

For Respondent(s)

Respondent-in-person

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

1. The Transfer Petition is allowed, in terms of the signed order.
2. Pending application is also disposed of.

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS(BEENA JOLLY)
COURT MASTER (NSH)

(Signed Order is placed on the file)