

SUPREME COURT OF INDIA

Neeti Chatterji

Vs.

Rahul Chatterji & Anr

T.P.(Civil)No.41 of 2007

(K.G. Balakrishnan,CJI. R.V.Raveendran and J.M.Panchal,JJ.)

08.01.2008

ORDER

1. Heard learned counsel on either side. This petition is filed by the petitioner-wife seeking transfer of divorce petition filed by her husband before the Family Court, Mumbai at Bandra to a Court of Competent Jurisdiction at Delhi.

2. During the pendency of the transfer petition, the parties have entered into a compromise deed on 4.1.2008. They have filed the said deed with a compromise petition and two supporting affidavits on 7.1.2008. The parties have agreed to dissolve their marriage by mutual consent under Section 13 B of Hindu Marriage Act, 1955. They have prayed that the pending matters be transferred to this Court so that this Court can dispose of the matters in terms of the compromise.

3. It may not be appropriate to get the pending cases transferred to this Court for disposal. We, therefore, direct that the Marriage Petition No.1725 of 2006 titled as Rahul Chatterji vs. Neeti Chatterji pending in the Family Court Mumbai at Bandra be transferred to the District Judge, Delhi. The Family Court at Mumbai is directed to send all records relating to the case to the District Judge, Delhi, without delay. The parties would be at liberty to move the District Court, Delhi for divorce by mutual consent. In the event of such application the Court would pass appropriate orders for divorce.

4. The parties will appear before the District Judge, Delhi on 18.2.2008 without notice and take further orders. The District Judge, Delhi, may if he so deems fit, assign the matter to any other appropriate court for disposal, on parties' appearance on 18.2.2008.

5. copies of this order be sent to the Family Court, Mumbai at Bandra and to the District Judge, Delhi.

6. The transfer petition is allowed accordingly.