

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.420 OF 2020

RACHNA

Petitioner(s)

VERSUS

ASHOK

Respondent(s)

O R D E R

This petition has filed under Section 25 of the Code of Civil Procedure, 1908 by the petitioner-wife seeking transfer of HMA No. 67 of 2019 titled as "*Ashok vs. Rachna Devi*" under Section 9 of the Hindu Marriage Act, 1955 in the Court of Learned Additional District and Sessions Judge, Ambah, M.P. to the Learned Family Court, Saket, New Delhi.

Respondent was served on 10th June, 2020.

By Order dated 08th November, 2021, Office was directed to ascertain whether the vakalatnama has been filed on behalf of the Respondent and if so, to put up in the next date of hearing. It is noted that there is no representation on behalf of the respondent.

In the said circumstances, I have heard learned counsel for the petitioner and perused the material on record.

Learned counsel for the petitioner submitted that the aforesaid case has been filed by the respondent in Ambah in the Court of Learned Additional District and Sessions Judge, Ambah, M.P., while the petitioner is residing in Delhi which is a distance of about 800 Km. That it is not possible for the petitioner to travel all the way to Ambah District of M.P., for the purpose of

defending the aforesaid case. In such circumstances, the transfer of aforesaid petition has been sought.

As already noted, despite respondent being served, there is no representation.

Having regard to the facts pleaded in the petition and on hearing learned counsel for the petitioner, I find that it is just and appropriate to transfer HMA NO. 67 of 2019 titled as "*Ashok vs. Rachna Devi*" to the Learned Family Court, Saket, New Delhi.

Ordered accordingly.

The petition is allowed with the aforesaid terms.

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

NEW DELHI;
NOVEMBER 22, 2021