

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1840 OF 2018

SHAKUN SRIVASTAVA

Petitioner

VERSUS

PREM PRAKASH SRIVASTAVA

Respondent

O R D E R

This transfer petition has been filed by the petitioner-wife seeking transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1956 by the respondent-husband in the Court of Principal Judge, Family Court, Gorakhpur, Uttar Pradesh to the Court of Principal Judge, Family Court, Bhopal, Madhya Pradesh.

By Order dated 14.11.2018, notice was issued in this case and the proceedings in H.M.A. No.493 of 2018 were stayed.

Order dated 06.01.2020 recorded that the respondent was served. By Orders dated 04.06.2020 and 18.06.2020, this Court recorded that there was no appearance on behalf of the respondent. Even today, there is no appearance on behalf of the respondent, who has not opposed the petition even though he has been made aware of it in the pending proceedings under Section 125 of the Code of Criminal Procedure, 1973 initiated by the petitioner.

Having regard to the pleadings and the submissions made on behalf of the petitioner, this Court is of the opinion that request for transfer of proceedings from the Family Court, Gorakhpur, Uttar Pradesh to the Court of Principal Judge, Family Court, Bhopal, Madhya Pradesh, is justified.

Consequently, the petition bearing H.M.A. No.493 of 2018, titled as "*Prem Prakash Srivastava v. Shakun Srivastava*", pending in the Court of the Principal Judge, Family Court, Gorakhpur, Uttar Pradesh is transferred to the Court of Principal Judge, Family Court, Bhopal, Madhya Pradesh.

The Family Court at Gorakhpur is directed to transmit the entire record to the transferee Court immediately.

The transferee Court shall decide the case so transferred as expeditiously as possible and in any case on or before 31.12.2022.

The Registry is directed to send a copy of this Order to both the Courts immediately for compliance.

This transfer petition is allowed accordingly.

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
OCTOBER 04, 2021