

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.125 OF 2023

SAU DEEPTHI

Petitioner(s)

VERSUS

SRINIVASA

Respondent(s)

WITH

T.P.(C) No. 201 OF 2023

O R D E R

1. Read the office report dated 15.02.2024.
2. Despite service of notice of these two petitions under Section 25 of the Code of Civil Procedure, 1908 presented by Sau. Deepthi (hereafter the petitioner) on him, Srinivasa (hereafter the respondent) has not entered appearance.
3. The marriage between the petitioner and the respondent was solemnized on 23.04.2006. Two daughters are born from the wedlock. However, the parties have since drifted apart owing to differences having arisen between them.
4. The respondent has instituted a divorce suit under Section 13(1)(ia) and 13(1)(ib) of the Hindu Marriage Act, 1955, bearing Marriage Petition No.22 of 2022 titled '*Shrinivasa S/o Sambasiva Rao Parchuri V. Deepthi W/o Srinivasa Rao Parchuri*' before the 4<sup>th</sup> Court of Jt. Civil Judge, Senior Division and A.C.J.M. Nagpur, Maharashtra. He has also applied under the Guardians and Wards Act, 1890 for custody of the children bearing Civil M.A. No.178/2020

titled "Srinivasa S/o Sambasiva Rao Parchuri vs. Deepthi W/o Srinivasa Rao Parchuri" before the Court of the District and Additional Sessions Judge, Nagpur (Urban), Nagpur. The two proceedings are pending.

5. On the multiple grounds urged in the petitions, the petitioner has sought for transfer of the aforesaid two proceedings from the courts at Nagpur to the Court of the Principal Family Judge, Vijayawada, Andhra Pradesh.

6. Since the respondent has not controverted the statements/averments made in the petitions, the same are deemed to have been admitted by him by applying the doctrine of non-traverse.

7. We are also otherwise satisfied, having regard to the inconvenience that the respondent is likely to face if the proceedings were continued in the courts at Nagpur, Maharashtra (located at a distance of around 770 kms from her present place of residence in Vijayawada), that interest of justice demands grant of the prayers for transfer.

8. Hence, the transfer petitions are allowed. Marriage Petition No.22 of 2022 and Civil M.A. No.178/2020, both titled '*Srinivasa S/o Sambasiva Rao Parchuri V. Deepthi W/o Srinivasa Rao Parchuri*', pending before the aforesaid courts in Nagpur are transferred to the Court of the Principal Family Judge, Vijayawada, Andhra Pradesh. Records of Marriage Petition No.22 of 2022 and Civil M.A. No.178/2020 be transferred to the transferee court immediately for being tried together.

9. The presiding officer of the transferee court shall endeavour to bring about a settlement between the parties through the process of mediation. If the process is unsuccessful, the proceedings shall

be decided on its merits and in accordance with law.

10. If the respondent is unable to attend the proceedings in person on any occasion, he will be at liberty to seek permission to attend through the virtual mode and if such a permission is sought, the presiding officer of the court may proceed to consider it reasonably.

11. Pending application(s), if any, shall also stand disposed of.

. . . . ., J  
[DIPANKAR DATTA]

. . . . ., J  
[AUGUSTINE GEORGE MASIH]

NEW DELHI,  
FEBRUARY 16, 2024

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Transfer Petition (Civil) No.125/2023

SAU DEEPTHI

Petitioner(s)

VERSUS

SRINIVASA

Respondent(s)

(FOR ADMISSION and IA No.10673/2023-EX-PARTE STAY  
IA No. 10673/2023 - EX-PARTE STAY)

WITH

T.P.(C) No. 201/2023 (IX)(FOR STAY APPLICATION ON IA 16899/2023  
IA No. 16899/2023 - STAY APPLICATION)

Date : 16-02-2024 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPANKAR DATTA  
HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH

For Petitioner(s) Ms. Prity Kumari, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E RThe transfer petitions are allowed in terms of the signed  
order.

Pending applications, if any, shall also stand disposed of.

(KRITIKA TIWARI)  
SENIOR PERSONAL ASSISTANT(POOJA SHARMA)  
COURT MASTER (NSH)

(Signed order is placed on file)