

Sonakshi S. Mittal vs Saurav S. Mittal on 6 January, 2020

Author: A.S. Bopanna

Bench: R. Banumathi, A.S. Bopanna

1

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition(s) (Civil)

No(s).1253 OF 2018

SONAKSHI S. MITTAL

Petitioner

VERSUS

SAURAV S. MITTAL

Respondent

O R D E R

A.S. BOPANNA, J. :

1. The instant petition has been filed by the petitioner-wife seeking that the proceedings in P.A. No.2613 of 2017 titled “Mr. Saurav Shyamsunder Mittal v. Ms. Sonakshi Mittal” pending before the Family Court, Bandra, Mumbai, be transferred to the Family Court at Jalandhar, Punjab.

2. Though the contentions on merits are referred to in the petition, we do not find it necessary to advert to the same as the only issue for consideration is as to whether the prayer for transfer of the petition as made is required to be granted.

3. The respondent-husband is represented by Ms. V. Mohana, learned senior counsel, who opposes the prayer for transfer. It is contended that the petitioner is a person who has been widely travelling and therefore there would not be any hardship for the petitioner-wife to travel to Mumbai to contest the cases. It is also the case of the respondent that the witnesses are all living in Mumbai and therefore the case is required to be considered in Mumbai.

4.

15:42:16 IST Reason: Ms. Geeta Luthra, learned senior counsel appearing for the petitioner-wife, would however contend that in addition to the petition (P.A.No.2613 of 2017) filed by the respondent herein, there are other litigations between the parties which are pending in Jalandhar. It is pointed out that the proceedings initiated in an FIR NO.0027/2017 under Section 498-A and also the proceedings under the Protection of Women from Domestic Violence Act in Complaint NO.280 of 2017 are pending in Jalandhar and the respondent is attending the said cases therein.

5. Having taken note of this factual aspect, we are of the opinion that since the cases, as referred to above, are already pending between the parties in Jalandhar, the respondent- husband would not be prejudice if the prayer as put forth in the instant petition by the petitioner-wife is considered. In any event the witnesses of either party shall have to travel to the other place and the petitioner being the wife the hardship faced by her will have to be mitigated. In that circumstance, the prayer of the petitioner-wife to transfer the proceedings in P.A. No.2613 of 2017 requires to be granted.

6. Accordingly, in the facts and circumstances of the case, the transfer petition is allowed and case bearing P.A. No.2613 of 2017 titled “Mr. Saurav Shyamsunder Mittal v. Ms. Sonakshi Mittal” pending before the Family Court, Bandra, Mumbai, shall stand transferred to the Principal Judge, Family Court at Jalandhar, Punjab, for hearing and disposal in accordance with law who may try the case himself or assign the same to the Court competent to do so. Records shall be sent by the Court where proceedings are pending to the transferee Court promptly and without any delay.

7. On receipt of the case records, the transferee Court is directed to make all endeavour for amicable settlement, failing which to expeditiously dispose of the case without unnecessary adjournments.

.....J. (R. BANUMATHI)J. (A.S. BOPANNA) NEW DELHI, JANUARY 06, 2020.

ITEM NO.22

COURT NO.5

SECTION XVI-A

S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

I N D I A

Transfer Petition(s) (Civil)

No(s) .

1253/2018

SONAKSHI S. MITTAL

Petitioner(s)

VERSUS

SAURAV S. MITTAL

Respondent(s)

(MEDIATION REPORT HAS BEEN RECD,
IA No. 100385/2018 - EX-PARTE STAY)

Date : 06-01-2020 This matter was called on for hearing today. CORAM :

HON'BLE MRS. JUSTICE R. BANUMATHI HON'BLE MR. JUSTICE A.S. BOPANNA
For Petitioner(s) Ms. Geeta Luthra,Sr.Adv.

Ms. Asmita Narula,Adv.

Ms. Akanksha Mehra,Adv.

Ms. Supriya Juneja, AOR For Respondent(s) Ms. V. Mohana,Sr.Adv.

Ms. Jyoti Mendiratta, AOR Mr. Ravindra Pal Singh, Adv.

Ms. Nikita Coopur, Adv.

UPON hearing the counsel the Court made the following O R D E R In terms of the signed order, the transfer petition is allowed.

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

(MAHABIR SINGH)
COURT MASTER

(Signed order is placed on the file)

(BEENA JOLLY)
BRANCH OFFICER