

D. Raja Rajeswari vs R. Sathish Kumar on 27 September, 2021

Author: Abhay S. Oka

Bench: Abhay S. Oka

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1634 OF 2018

| | | |
|-------------------|-----|------------|
| D. RAJA RAJESWARI | ... | Petitioner |
| VERSUS | | |
| R. SATHISH KUMAR | ... | Respondent |

O R D E R

1. Heard learned counsel appearing for the petitioner. As per the office report, notice has been duly served to the respondent. The petitioner is the wife and the respondent is the husband. From the wedlock between the petitioner and respondent, a son was born on 01 st June 2016. In the year 2017, respondent filed a petition under Section 9 of the Guardians and Wards Act, 1890, praying for custody of the child. The said petition was filed in the Family Court at Bengaluru. The respondent filed a petition for divorce in the Family Court at Chennai, which is stated to be pending. Subsequently, the petitioner had filed a petition for restitution of conjugal rights in the Family Court at Bengaluru.

DEEPAK SINGH Thus, there are two proceedings pending in the Family Court at Date: 2021.09.30 17:05:10 IST Reason:

Bengaluru. The third proceeding for divorce filed by respondent's husband is pending in the Family Court at Chennai.

3. It will be in the interests of both the parties that all the proceedings are heard by the same Court. The petitioner is resident of Bengaluru and the respondent is resident of Chennai. It appears from the averments made in the petition that it is the respondent who filed the first proceeding for permanent custody in the Family Court at Bengaluru.

4. Hence, the transfer petition is allowed. H.M.O.P. No.4197 of 2017 titled as "R. Satishkumar Vs. D. Raja Rajeswari" pending in the Court of VIth, Additional Family Court at Chennai is hereby transferred to the Family Court at Bengaluru.

5. The learned Principal Judge of the Family Court at Bengaluru will ensure that the transferred petition as well as Petitions bearing Nos.G and WC/350 of 2017 and M.C.913 of 2018 are assigned to the same Court.

.....J [ABHAY S. OKA] NEW DELHI;

September 27, 2021.