



IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.2189 OF 2019

PARUL JAISWAL

Petitioner

VERSUS

AVINASH JAISWAL & ANR.

Respondent

O R D E R

This transfer petition has been filed by the petitioner-wife seeking transfer of divorce petition filed by the respondent-husband in the Court of Vth Additional Principal Judge, Family Court, Bengaluru, Karnataka to a Court of competent jurisdiction at Allahabad, Uttar Pradesh.

Having heard the learned counsel for the parties and considered the pleadings, this Court is of the opinion that in the larger interest of justice, orders for the conduct of the proceedings are warranted. Accordingly, following directions are issued:

- a) The Family Court at Bengaluru before which the proceedings in M.C. No.5296 of 2018 are pending and were stayed by this Court by order dated 11.09.2019, shall now proceed with the matter. However, in the first instance, the parties shall be referred to the Mediation Centre.

Considering the pendency of mediation proceedings, which shall be conducted for next 10 weeks, the Family Court shall not take up the proceedings on merits.

- b) The Mediation proceedings shall be conducted online on such date(s) as are convenient to the parties and the concerned Mediator(s). Such proceedings shall be concluded within 10 weeks.
- c) In case of a settlement, the Family Court at Bengaluru, which is seized of the proceedings, shall pass orders having regard to the settlement arrived at between the parties.
- d) In case no settlement is arrived at or the mediation proceedings remain inconclusive, the Family Court shall take up the proceedings and continue with them in accordance with law, after the said period of 10 weeks.

For the facility and convenience of the parties, the Family Court shall conduct the proceedings online. This is with the express agreement of all parties.

In case the presence of the petitioner is required on any particular date, the Family Court at Bengaluru shall fix date(s) convenient to the petitioner. In such event, the Family Court shall ensure that the petitioner is paid Rs.10,000/- (Rupees Ten Thousand Only) for every date of hearing when she will be required to remain present for recording of her evidence and/or for such other

purposes as are necessary. The respondent shall pay the said amount to the petitioner.

This transfer petition is disposed of in the aforesaid terms.

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

NEW DELHI;
OCTOBER 04, 2021