

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.2460 OF 2019

MAMTA

Petitioner(s)

VERSUS

KAILASH CHAND AGRAWAL

Respondent(s)

O R D E R

This petition has filed under Section 25 of the Code of Civil Procedure ,1908 by the petitioner-wife seeking transfer of Divorce case No. 94 of 2018 titled as "*Shri Kailash Chand Agrawal Vs. Smt. Mamta*" under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of Additional District Judge, No. 1, Aburoad, Sirohi, Rajasthan to the Court of the 28-4th Additional Civil Judge & JMFC, Gandhinagar, Gujarat.

By Order dated 18th October, 2019, notice was issued to the respondent and the same has been served on the respondent as per postal tracking report on 19.11.2019. But there is no representation on behalf of the respondent.

In the aforesaid circumstances, I have heard learned counsel for the petitioner and perused the material on record.

Learned counsel for the petitioner submitted that the aforesaid case has been filed by the respondent in Sirohi in the Court of Additional District Judge, No. 1, Aburoad, Sirohi, Rajasthan, while the petitioner is residing in Gandhinagar Gujarat which is a distance of about 237 Km. That it is not possible for



the petitioner to travel all the way to Sirohi district of Rajasthan for the purpose of defending the aforesaid case. In such circumstances, the transfer of aforesaid divorce case has been sought.

As already noted, despite service of notice of the respondent, there is no representation.

Having regard to the facts pleaded in the petition and on hearing learned counsel for the petitioner, I find that it is just and appropriate to transfer the Divorce Case No. 94 of 2018 titled as "*Shri Kailash Chand Agrawal Vs. Smt. Mamta*" pending on the file of Additional District Judge, No. 1, Aburoad, Sirohi, Rajasthan to the Court of the Additional Civil Judge & JMFC, Ghandinagar, Gujarat.

Ordered accordingly.

The petition is allowed in the aforesaid terms.

.....J.
[B.V. NAGARATHNA]

NEW DELHI;
NOVEMBER 22, 2021