



2021 INSC 814

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.441 OF 2020

PALLABI RAI

Petitioner

VERSUS

RAHUL RAI

Respondent

O R D E R

Heard learned counsel appearing for the petitioner.

The learned counsel appearing for the respondent states that he has no objection for passing an order of transfer as prayed for.

The Learned counsel appearing for the respondent states that even the petition under Section 125 of the Code of Criminal Procedure, 1973 ("the Code" for short) filed by the petitioner which is pending in the Court of the Learned Chief Judicial Magistrate at Barasat Court, 24 Paragana be transferred to the Family Court where the case subject matter of this petition which is sought to be transferred is pending. As a Family Court will have jurisdiction to try a petition under Section 125 of the Code, the aforesaid prayer deserves to be accepted.

Accordingly, Case No.M.C. No.1949 of 2019, titled "*Rahul Rai vs. Pallabi Rai*", pending before the Court of 2nd Additional Principal Judge, Family Court, Bangalore is hereby transferred to the Court of the Principle Judge, Family Court, Bankshall Court, Hare Street, Kolkata.

Further, the petition for maintenance being Case No.M502 of 2020 titled "*Pallavi Rai (Das) v. Rahul Rai*", filed by the

petitioner against the respondent under Section 125 of Code in the Court of the Learned Chief Judicial Magistrate, Barasat Court, 24 Paragana is also transferred to the Court of the Learned Principal Judge of the Family Court, Bankshall Court, Hare Street, Kolkata. Both the cases shall be heard together.

Considering young age of the parties and the nature of the dispute, the Learned Principle Judge shall endeavour to give out of turn priority for disposal of the cases. He may also consider the option of referring the parties to mediation.

The transferee Court shall decide the transferred cases as expeditiously as possible.

The Registry is directed to send a copy of this Order to the concerned Courts immediately by e-mail for necessary compliance.

This transfer petition is allowed accordingly.

.....J.
[ABHAY S. OKA]

NEW DELHI;
DECEMBER 03, 2021