

**SUPREME COURT OF INDIA**

**Bench: JUSTICE ABHAY S. OKA and JUSTICE SANJAY  
KAROL**

**Date of Decision: October 12, 2023**

**INHERENT JURISDICTION**

**REVIEW PETITION (C) NO. 1262 OF 2023**

**TRANSFER PETITION (C) NO. 1471 OF 2023**

**BINOD KUMAR SINGH**

**PETITIONER(S)**

**VERSUS**

**RANJU SINGH**

**RESPONDENT(S)**

**Sections, Acts, Rules, and Article:**

**None.**

**Subject: Transfer of Matrimonial Proceedings, Registry Error, Video**

**Conference Appearance, Review Petition**

**Headnotes:**

***Transfer of Matrimonial Proceedings – Registry error in listing***

***Transfer Petition – Explanation submitted by Registry staff –***

***Returnable date preponed causing injustice – Practice needs***

***rectification – Order dated 20th July, 2023 recalled – Transfer***

***Petition restored to its original number.***

***Transfer of Matrimonial Case – MAT Suit No. 1954 of 2021 – Binod***

***Kumar Singh vs. Ranju Singh – Transfer ordered from Barasat North***

***24 Parganas, West Bengal to Family Court, Bhojpur, District-Ara,***

***Bihar – Records to be sent promptly – Video conference appearance***

***allowed for respondent-husband.***

***Review Petition – Disposal of Review Petition – Operative portion of the order provided.***

**Referred Cases: None.**

**ORDER**

We have kept the Review Petition for hearing in the open Court.

The respondent-wife applied for transfer of matrimonial proceedings in which notice was issued on 30<sup>th</sup> May, 2023. From the Annexure to the Review Petition, it is apparent that the Registry issued notice of the Transfer Petition in which it was specifically mentioned that the Transfer Petition will be posted for hearing before this Court on 27<sup>th</sup> July, 2023 and will be taken up by this Court on that day at 10.30 a.m. or soon thereafter. However, for reasons best known to the Registry, the Transfer Petition was listed on 20<sup>th</sup> July, 2023.

Therefore, while issuing notice on the Review Petition, we called for an explanation from the Registrar (Judicial). Accordingly, an explanation has been submitted by the members of the staff which is appended to the Report dated 10<sup>th</sup> October, 2023 of the Registrar (Judicial Listing). There is a report signed by the Junior Court Assistant, DEU, in which a shocking statement has been made. He has accepted that the returnable date mentioned in the notice was 27<sup>th</sup> July, 2023. But he stated that it was preponed on the ground that the said date was not fixed by the Court. The reason given is that there is a direction to list 10 Transfer Petitions and 10 Bail Matters on Wednesdays and Thursdays.

The object of issuing notice is to enable the opponent/respondent to appear in a case and contest the same. When the notice issued by the Registry mentions a specific returnable date, no litigant will expect the case to come up before the returnable date mentioned in the notice. If the Registry starts preponing the matters and listing them before the returnable dates mentioned

in the notice, it will cause grave injustice to the parties as it will defeat the elementary principles of natural justice. Therefore, this practice adopted by the Registry needs to be rectified immediately and the Registrar (Judicial Listing) will take a serious note of this fact. As members of the staff have tendered apology, no action is called for against them. But the Registry must take remedial measures.

For the reasons which we have recorded earlier, the order dated 20<sup>th</sup> July, 2023 disposing of the Transfer Petition is recalled and the Transfer Petition is restored to its original number.

The Review Petition is disposed of.

TRANSFER PETITION (C) NO. 1471 OF 2023 The

Transfer Petition is taken on Board.

After hearing the learned counsel for the parties, we find that a case is made out to transfer the petition.

Accordingly, MAT Suit No.1954 of 2021 titled as "*Binod Kumar Singh vs. Ranju Singh*" pending in the Court of 1<sup>st</sup> Additional District Judge, Barasat North 24 Parganas, West Bengal is ordered to be transferred to the Family Court, Bhojpur, District-Ara, Bihar.

Records shall be sent by the Court where proceedings are pending to the transferee Court promptly and without any delay.

On the prayer made by the respondent-husband, the concerned Court will allow him to appear through video conference unless his personal presence is felt mandatory.

The Transfer Petition is allowed.

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