

SUPREME COURT OF INDIA**Bench: Justice B.V. Nagarathna and Justice Ujjal Bhuyan****Date of Decision: SEPTEMBER 27, 2023**

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 1538 OF 2023

SHWETA D SHAMKUWAR **Petitioner(s)****VERSUS****VINAY BORKAR** **Respondent(s)****Section, Acts, Rules, and Article:**

Section 25 of the Code of Civil Procedure, 1908 (CPC)

Subject: Transfer of a Family Court Case under Section 25 of CPC, Relocation of a Family Court Case from Delhi to Nagpur, and Provision for Video Conferencing.

Headnotes:

Transfer Petition - Transfer of Family Court Case - Petitioner seeking transfer of HMA case to District Family Court in Nagpur, Maharashtra - Case allowed for transfer. [Para 1-4]

Video Conferencing - Liberty reserved for respondent to appear through video conferencing facility if requested - Court to provide video conferencing facility if needed. [Para 5]

Order - Transfer petition allowed, and HMA case transferred to District Family Court at Nagpur, Maharashtra - Pending application(s) disposed of. [Para 6]

Referred Cases: None.

Representing Advocates:

For Petitioner(s): Mrs. Drishti Mittal, Adv., Mrs. Sudarshaqni Ray, Adv., Mr. Parth Tiwari, Adv., Mr. Suvidutt M.s., AOR, Ms. Deepika Singh, Adv., Ms. Disha Puri, Adv., Mrs. Renu Yadav, Adv., Mr. Moirangmayum Chittaranjan Singh, Adv., Mr. Aman Khullar, Adv

For Respondent(s): Mr. Prashant Shukla, Adv., Mr. Arjun Sinha, Adv., Mrs. Anushree Shukla, Adv., Ms. Pratibha Yadav, Adv., Mr. Triloki Nath Razdan, AOR

ORDER

This is a petition filed under Section 25 of the Code of Civil Procedure, 1908 (for short "CPC"). The petitioner is the wife of the respondent who is her husband.

The petitioner has filed this transfer petition seeking the following reliefs:

"a. Pleased to pass an order transferring the case bearing no. HMA bearing no.346/2023 case titled as Vinay Borkar vs. Sweta D Shamkuwar bearing HMA/346/2023 before the Court of Principal Judge, (Family Court), Central District THC, Delhi to learned District Family Court at Nagpur, (Maharashtra) in the interest of justice, and;

b. Pass such other or further orders as this Hon'ble Court may deem fit and appropriate."

We have heard learned counsel for the petitioner and learned counsel for the respondent.

Having heard learned counsel for the petitioner and learned counsel for the respondent and on perusal of the material on record, we find that the petitioner has made out a case for transfer of the aforesaid petition.

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In the result, the transfer petition is allowed and HMA bearing no.346/2023, pending before the Court of Principal Judge, (Family Court), Central District THC, Delhi is ordered to be transferred to District Family Court at Nagpur, (Maharashtra).

However, liberty is reserved to the respondent to appear before the Court in the aforesaid matter through video conferencing facility. If such a

request is made, the Court shall make available video conferencing facility to the respondent herein.

Registry to communicate this order to the transferor court for taking steps in accordance with this order.

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