

**IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION**

**Transfer Petition (Civil) No 124 of 2020**

**Sharmila Bagchi @ Gangopadhayay**

**Petitioner**

**Versus**

**Sourav Gangopadhayay**

**Respondent**

**O R D E R**

- 1 The petitioner-wife seeks transfer of MAT Suit No 454 of 2018 titled “*Sourav Gangopadhayay vs Sharmila Bagchi @ Gangopadhayay*”, which is a petition for divorce under Section 13 of the Hindu Marriage Act 1955 and is pending before the Principal Judge (ADJ – V), Family Court Burdwan, West Bengal. The petitioner-wife seeks the transfer of the above stated case to the Principal Judge, Family Court, Shamli (U.P.).
- 2 This Court issued notice on 28 January 2020 to the respondent-husband and stayed the further proceedings in the divorce case. As per the Office Report, a notice sent through AD card, duly signed by the respondent has been received back, but no one has entered appearance on his behalf so far. No counter affidavit has thus been filed. It appears that the respondent-husband is not keen to contest the instant transfer petition.
- 3 It is further revealed from the averments that marriage between the parties

was solemnized on 17 January 2017. The parties are doctors by profession. There is no child born out of the wedlock. Taking into consideration the averments made by the petitioner-wife that she is residing with her parents in Shamli, U.P., where she has also filed maintenance petition, I deem it appropriate to allow the present transfer petition. Ordered accordingly.

- 4 MAT Suit No 454 of 2018 titled "*Sourav Gangopadhyay vs Sharmila Bagchi @ Gangopadhyay*" pending before the Principal Judge (ADJ - V), Family Court Burdwan, West Bengal is ordered to be transferred to the Family Court, Shamli (U.P.). The records shall be transferred to the transferee court forthwith.
- 5 The respondent-husband shall be entitled to seek modification/recall of this order within a period of three months if it is found that he has not been served with AD notice as reported by the Office.
- 6 The transfer petition is disposed of in the above terms.
- 7 Pending applications, if any, stand disposed of.

.....J.  
[Surya Kant]

New Delhi;  
January 18, 2022  
CKB

ITEM NO.8                      Court 4 (Video Conferencing)                      SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) No.124/2020

SHARMILA BAGCHI @ GANGOPADHAYAY                      Petitioner(s)

VERSUS

SOURAV GANGOPADHAYAY                      Respondent(s)

(With appln.(s) for IA No.12522/2020-EX-PARTE STAY and IA No.12523/2020-EXEMPTION FROM FILING O.T.)

Date : 18-01-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

For Petitioner(s)      Mr. Mujahid Ahmad, Adv.  
                                 Mr. Mohd. Irshad Hanif, AOR  
                                 Mr. Aarif Ali Khan, Adv.  
                                 Mr. Danish Sher Khan, Adv.  
                                 Mr. Shishir Raj, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following  
O R D E R

- 1      The transfer petition is disposed of in terms of the signed order.
- 2      Pending applications, if any, stand disposed of.

(CHETAN KUMAR)  
A.R.-cum-P.S.

(SAROJ KUMARI GAUR)  
BRANCH OFFICER

(Signed order is placed on the file)