

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No. 1027/2021

ABHILASHA GUPTA

Petitioner

VERSUS

HARIMOHAN GUPTA

Respondent

ORDER

The present petition has been filed by the petitioner-wife praying *inter alia* for transfer of a petition for divorce filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 bearing H.M. Case No. A-130 of 2019 titled "Harimohan Gupta vs. Abhilasha Gupta", pending before the Court of the Additional District and Sessions Judge, Susner, Madhya Pradesh to the Family Court at Kota, Rajasthan.

Counter affidavit in opposition to the present petition has been filed by the respondent.

Ms. Ranu Purohit, learned counsel for the respondent-husband states that the divorce petition filed by the respondent-husband is at an advance stage. She draws the attention of this Court to the date-wise tabulated statement enclosed with the counter affidavit, marked as Annexure R-1 and states that the evidence of the husband has concluded and the wife has not cited any other witness except for herself. The

matter was last listed on 06.08.2021, for recording her testimony but due to the stay order granted in the present proceeding on 20.07.2021, the said matter has been adjourned.

Learned counsel further stated that the distance between present place of residence of the petitioner-wife and the Family Court at Kota, Rajasthan is less than 200 kilometers and offers that the respondent-husband is willing to pay the expenses towards commuting to the petitioner-wife to enable her to appear before the learned Family Court at Kota, Rajasthan for expeditious conclusion of her evidence and final arguments.

Learned counsel for the respondent-husband draws the attention of this Court to the order dated 14.10.2019, passed by the learned Court of the Additional District and Sessions Judge, Susren, Madhya Pradesh which recorded the request of the petitioner-wife to the effect that she may be paid a sum of Rs. 3,000/- (Rupees Three Thousand only) as transportation charges to appear in the Court alongwith an attendant.

Having regard to the advance stage of the divorce petition filed by the respondent-husband against the petitioner-wife at Kota, this Court is not inclined to allow the present petition. However, it is deemed appropriate to direct the respondent-husband to pay a sum of Rs. 4,000/- (Rupees Four Thousand Only) to the petitioner-wife for appearance on each date of hearing before the Court of Additional District and

Sessions Judge, Susren, Madhya Pradesh, towards transportation charges.

The transfer petition is disposed of with the aforesaid orders.

Interim order dated 20.07.2021 stands vacated.

..... J
(HIMA KOHLI)

New Delhi
Date: 24th September, 2021.