

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No(s). 808/2021 & 2096/2021

GITISHREE PANDA

Petitioner(s)

VERSUS

RAJEEV JHA

Respondent(s)

O R D E R

Transfer Petition(s)(Civil) No(s). 808/2021 & 2096/2021

The parties in the captioned transfer petitioner are husband and wife. The husband is the petitioner in latter transfer petition and the wife who is the petitioner in the former transfer petition is the respondent therein. The husband filed the same seeking transfer of the Divorce petition C.P. No. 75 of 2021 titled as "Rajiv Jha Vs. Gitishree Panda @ Jha" pending before the Ld Judge, Family Court at Rourkela, Odisha to competent Court of Ld. Principal Judge, Family Court at Bangalore, Karnataka.

The wife who is the petitioner in the former transfer petition seeks transfer of G & W.C. No. 190/2020 filed by the respondent/husband to be transferred to the Court of Ld. Judge, Family Court at Rourkela, Odisha from Family Court at Bangalore, Karnataka.

The distance between Bangalore and Rourkela in Odisha is approximately 1500 Kms. The learned counsel appearing for husband submits that the wife is presently in Germany and therefore it will not make any difference if the matter is contested before the Family Court, Bangalore or before the Family Court in Rourkela, Odisha, as in either case, she will be participating in the Court

proceedings only virtually. The learned counsel for the wife in counter submits that she is in Germany only on a temporary assignment and she would come back to Rourkela, Odisha where her paternal home situates. There is nothing on record which would reveal or at least suggest that wife has obtained a permanent job in Germany. In fact, there is no such case for the petitioner(husband).

Taking into account the fact that parties are living separately for the past five years and soon on such separation the wife started residing with her parents in Rourkela and she is presently abroad only on a temporary assignment. I am inclined to allow the former transfer petition and consequently, the latter transfer petition must fail. It is only in the interest to both the parties to proceed with the matter at the earliest and that can happen only if both the matters are tried at one place.

In the said circumstance, Transfer Petition(c) NO. 808/2021 is allowed. Accordingly, petition bearing G & W.C. No. 190/2020 which is pending in the Court of Ld. Principal Judge, Family Court at Banglore is transferred to the Family Court at Rourkela, Odisha. The Court concerned shall take steps to transmit the files to the transferee Court, expeditiously.

Resultantly, the latter transfer petition hereby stands dismissed.

.....J.  
[C.T. RAVIKUMAR]

New Delhi;  
May 9, 2022.

ITEM NO.1612

COURT NO.15

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 808/2021

GITISHREE PANDA

Petitioner(s)

VERSUS

RAJEEV JHA

Respondent(s)

(FOR ADMISSION and IA No.49728/2021-EX-PARTE STAY  
IA No. 49728/2021 - EX-PARTE STAY)

WITH

T.P.(C) No. 2096/2021 (XVI-A)

(FOR ADMISSION and IA No.148671/2021-EX-PARTE STAY)

Date : 09-05-2022 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE C.T. RAVIKUMAR

For Petitioner(s) Ms. Aswathi M.k., AOR

Mr Suchit Mohanty, Adv.  
Ms Vandana Mohanty, Adv.  
Mr S. Debabrat Reddy, Adv.  
Mr. Rahul Pratap, AOR

For Respondent(s) Mr. Gautam Mukherji, Sr. Adv.  
Ms. Uttara Babbar, AOR  
Mr. Manan Bansal, Adv.

Ms. Aswathi M.k., AOR

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

Transfer Petition(s)(Civil) No(s). 808/2021

Transfer Petition is allowed in terms of signed order.

Pending application(s), if any shall stand disposed of.

T.P.(C) No. 2096/2021

Transfer petition is dismissed in terms of signed order.

Pending application(s), if any shall stand disposed of.

(SHUBHAM YADAV)  
SENIOR PERSONAL ASSISTANT

(RAM SUBHAG SINGH)  
BRANCH OFFICER

