

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1623 OF 2023

SHAZDA KHATOON

Petitioner(s)

VERSUS

KHURSHID AHMAD & ANR.

Respondent(s)

ORDER

The petitioner (wife) has filed this transfer petition seeking transfer of Case No. 155 of 2022 titled as *Khurshid Ahmad v. Shazda Khatoon and Anr.* filed by the respondent (husband) for restitution of conjugal rights under Muslim Law pending before the Court of Principal Judge, Family Court Mau, District Mau, Uttar Pradesh, to Family Court, Tis Hazari, Delhi.

Despite service of notice on the respondents, no one has entered appearance on their behalf to oppose the prayer as made in the transfer petition.

Having heard learned counsel for the petitioner and

considering the averments made in the transfer petition including the fact that a minor son is with the petitioner (wife), in our view, it would be inconvenient to the petitioner(wife), who is staying at Delhi to attend the proceedings at Mau, Uttar Pradesh.

In view of the foregoing and having considered the facts and circumstances of the case, we deem it appropriate to allow this transfer petition. Accordingly, Case No. 155 of 2022 titled as *Khurshid Ahmad v. Shazda Khatoon and Anr.* filed by the respondent (husband) for restitution of conjugal rights under Muslim Law pending before the Court of Principal Judge, Family Court Mau, District Mau, Uttar Pradesh, is ordered to be transferred to Family Court, Tis Hazari, Delhi.

Needless to observe that the transferee Court may allow the presence of the respondent(husband) on virtual platform without insisting for his presence on every date until required necessarily.

Let the records of the case be transferred to the transferee Court without delay and an intimation be sent to both the Courts through e-mail for compliance.

The transfer petition is, accordingly, allowed.

Pending application shall stand disposed of.

....., **J.**
[J.K. MAHESHWARI]

....., **J.**
[SANJAY KAROL]

New Delhi;
May 09, 2024.

ITEM NO.2

COURT NO.9

SECTION XI

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. 1623/2023

SHAZDA KHATOON

Petitioner(s)

VERSUS

KHURSHID AHMAD & ANR.

Respondent(s)

(IA No. 116596/2023 - EX-PARTE STAY and IA No. 116599/2023 -
EXEMPTION FROM FILING O.T.)

Date : 09-05-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.K. MAHESHWARI
HON'BLE MR. JUSTICE SANJAY KAROL

For Petitioner(s)

Mr. Anilendra Pandey, AOR
Mr. Rajeev Kumar Ranjan, Adv.
Mr. C.P. Singh, Adv.
Ms. Priya Kashyap, Adv.

For Respondent(s)

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

The transfer petition is allowed in terms of the signed
order. Pending application shall stand disposed of.

(NIDHI AHUJA)
AR-cum-PS

(VIRENDER SINGH)
BRANCH OFFICER

[Signed order is placed on the file.]