

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 2429 OF 2023

PREETI ANAND

PETITIONER

VERSUS

KAMALDEEP ANAND

RESPONDENT

ORDER

1. The petitioner-wife has filed the present petition under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of a petition filed by the respondent-husband for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 bearing Matrimonial Case No.4277 of 2022 titled "**Kamaldeep Anand Vs. Smt. Preeti Anand**" pending before the Principal Judge, Family Court, Lucknow, Uttar Pradesh to the Court of the Principal Judge, Family Court, Bhopal, Madhya Pradesh.
2. Though service of notice on the respondent-husband is complete, no one has entered appearance on his behalf. Even today, the respondent-husband remains unrepresented.
3. Having heard learned counsel for the petitioner-wife and on examining the grounds taken in the transfer petition, we direct transfer of Matrimonial Case No.4277 of 2022 titled "**Kamaldeep Anand Vs. Smt. Preeti Anand**" pending before the Principal Judge, Family Court, Lucknow, Uttar Pradesh to the Court of the Principal Judge, Family Court, Bhopal, Madhya Pradesh.

4. The record of the case be transferred immediately to the transferee Court.
5. Further, liberty is granted to the respondent-husband to move an appropriate application before the transferee Court for permission to participate in the proceedings virtually. If such a request is made, the transferee Court may grant such permission and direct the personal presence of the respondent-husband only when it is absolutely necessary. Further, if examination of the outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the transferee Court shall consider the same and pass appropriate orders.
6. The Transfer Petition is allowed on the above terms. Pending applications, if any, are disposed of.

.....J.
(HIMA KOHLI)

.....J.
(AHSANUDDIN AMANULLAH)

**NEW DELHI;
30th NOVEMBER, 2023**

ITEM NO.8

COURT NO.12

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. 2429/2023

PREETI ANAND

Petitioner(s)

VERSUS

KAMALDEEP ANAND

Respondent(s)

(IA No. 188856/2023 - EXEMPTION FROM FILING O.T.
IA No. 188855/2023 - STAY APPLICATION)

Date : 30-11-2023 This petition was called on for hearing today.

CORAM :

HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Ms. Tanya Agarwal, Adv.
Mr. Gaurav Kalra, Adv.
Mr. Parmod Kumar Tripathy, Adv.
Mrs. Shubhangi Tuli, AOR

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(s), if any, are stand disposed of.

(Geeta Ahuja)
Assistant Registrar-cum-PS

(Signed Order is placed on the file)

(Nand Kishor)
Court Master (NSH)