

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO(S). 2563/2023

RAKSHA DEVI YADAV

PETITIONER(S)

VERSUS

RAJESH PRASAD YADAV

RESPONDENT(S)

Heard Mr. Aman Kumar, learned counsel for the petitioner (wife).

2. The counsel submits that although notice was issued in this case on 03.10.2023, the respondent (husband) was avoiding service of notice. Eventually, service was affected by publication and the office report dated 18.09.2024 indicates that service is deemed to be complete on the respondent. However, he has not entered his appearance.

3. The counsel then submits that the petitioner along with her minor son is residing at her parental home at Ahmedabad. The petitioner has filed an Application for Maintenance under Section 125 of the Criminal Procedure Code and also a Divorce Petition against the respondent. Both the cases are pending before the Family Court, Ahmedabad.

4. Considering the above circumstances and the unrebutted pleadings in the case, we deem it appropriate to allow the transfer petition. The Restitution Case M.C. No.1092/2023 titled as "*Mr. Rajesh Prasad Yadav Vs. Mrs. Raksha Devi Yadav*" pending before the Court of Ld. Principal Judge, Family Court, Raebareli, Uttar

Pradesh is accordingly, directed to be transferred to the Ld. Family Court, Ahmedabad, Gujarat.

5. Records of the case would be immediately transferred to the transferee court.

6. The parties are directed to appear, either in person or through an authorized representative or through video-conferencing if the said facility is available, before the transferee court. However, in case there is non-appearance, court notice would be issued to the defaulting party.

7. The parties may explore the possibility of settlement through mediation. The transferee court would obtain the desire and wishes of the parties and proceed accordingly in this regard.

8. The transferee court would decide the matter expeditiously.

9. Pending application(s), if any, shall stand closed.

.....J.
[HRISHIKESH ROY]

.....J.
[SUDHANSHU DHULIA]

.....J.
[S.V.N. BHATTI]

ITEM NO.4

COURT NO.5

SECTION XI

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). 2563/2023

RAKSHA DEVI YADAV

Petitioner(s)

VERSUS

RAJESH PRASAD YADAV

Respondent(s)

(IA No. 198584/2023 - STAY APPLICATION)

Date : 19-09-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY
HON'BLE MR. JUSTICE SUDHANSHU DHULIA
HON'BLE MR. JUSTICE S.V.N. BHATTI

For Petitioner(s) Mr. Aman Kumar, Adv.
Mr. R. Ilam Paridi, AOR
Mr. R. Vishnu Kumar, Adv.

For Respondent(s)

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

The petition is allowed in terms of the signed order which is placed on the file.

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

(GEETA JOSHI)
SENIOR PERSONAL ASSISTANT

(KAMLESH RAWAT)
ASSISTANT REGISTRAR