

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 376 OF 2023

AARTI SHARMA (KAUSHIK)

Petitioner(s)

VERSUS

HEMANT SHARMA

Respondent(s)

WITH

TRANSFER PETITION (CRL.) NO. 264 OF 2023

O R D E R

Transfer Petition (Civil) No. 376 of 2023

We find that it is not possible at this stage for the parties to arrive at an amicable settlement.

The present petition has been filed by the petitioner-wife seeking transfer of a Divorce Petition bearing HMA No. 405 of 2022 titled as "*Hemant Sharma vs. Aarti Sharma*", pending before the Family Court, Katni, Madhya Pradesh to the Family Court, Bhiwani, Haryana.

Having heard the learned counsel for the parties, we are of the opinion that interests of justice require that the petition should be allowed.

Accordingly, Divorce Petition bearing HMA No. 405 of 2022 titled as "*Hemant Sharma vs. Aarti Sharma*", pending before the Family Court, Katni, Madhya Pradesh is ordered to be transferred to the Family Court, Bhiwani, Haryana, for hearing and disposal in accordance with law.

Records shall be sent by the Court where the proceedings are pending to the transferee Court promptly.

The petition filed by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 bearing Petition No.MNT/125/27/2019 pending before the Family Court, Bhiwani, Haryana, shall also be heard along with the transferred petition.

Whenever personal presence of the respondent is not mandatory, the Family Court will permit his appearance either through his advocate or virtually. Only when the personal presence of the respondent is absolutely mandatory, the Family Court shall insist on his personal presence.

The Transfer Petition is allowed.

Transfer Petition (Crl.) No. 264 of 2023

No case is made out to transfer this petition.

The transfer petition is accordingly dismissed.

However, on application made by the petitioner through her counsel, the Trial Court shall grant her exemption from personal appearance. The Trial Court shall insist on her personal appearance only when it is absolutely mandatory.

.....J.  
(ABHAY S.OKA)

.....J.  
(PANKAJ MITHAL)

NEW DELHI;  
September 11, 2023.

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(s)(Civil) No(s). 376/2023

AARTI SHARMA (KAUSHIK)

Petitioner(s)

VERSUS

HEMANT SHARMA

Respondent(s)

(IA No. 30559/2023 - STAY APPLICATION)

WITH

T.P.(Crl.) No. 264/2023

(IA No. 135366/2023 - EXEMPTION FROM FILING O.T., IA No. 80234/2023  
- EXEMPTION FROM FILING O.T. AND IA No. 80233/2023 - STAY  
APPLICATION)

Date : 11-09-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA  
HON'BLE MR. JUSTICE PANKAJ MITHALFor Petitioner(s) Ms. Ankita Chaudhary, AOR  
Mr. Shreyas Balaji, Adv.  
Ms. Sheela Tanwar, Adv.For Respondent(s) Mr. Sanchar Anand, Adv.  
Mr. Devendra Singh, AOR  
Mr. Aman Kumar Thakur, Adv.  
Mr. Arjun Rana, Adv.  
Ms. Sumbul Ausaf, Adv.UPON hearing the counsel the Court made the following  
O R D E RTransfer Petition (Civil) No. 376 of 2023The Transfer Petition is allowed in terms of the signed  
order.

Pending application stands disposed of accordingly.

**Transfer Petition (Crl.) No. 264 of 2023**

The Transfer Petition is dismissed in terms of the signed order.

Pending applications stand disposed of accordingly.

(ASHISH KONDLE)  
COURT MASTER (SH)

(AVGV RAMU)  
COURT MASTER (NSH)

[THE SIGNED ORDER IS PLACED ON THE FILE]