

Non-Reportable

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No.1621 OF 2022

SEEMA KAUSHAL

Petitioner

VERSUS

DHEERAJ KUMAR

Respondent

O R D E R

Pankaj Mithal, J.

1. Heard counsel for the parties and perused the pleadings.

2. The petitioner - wife has filed this petition for the transfer of Divorce Petition bearing Application No.646 of 2022 titled as "Dheeraj Kumar Vs. Seema Kaushal" pending before the Family Court No.1, Jaipur Metropolis Jaipur, Rajasthan to the Court of Principal Judge, Family Court, Kurukshetra, Haryana.

3. The petitioner and the respondent - husband were married on 13.11.2014 and their marriage was registered before the Marriage Registrar, Ghaziabad, Uttar Pradesh. They have a son, who is alleged to be living with his maternal parents at Kurukshetra. The petitioner and the respondent both are in Government service and are posted at Jaipur. The petitioner is currently posted as Deputy Director in National Health Mission, Jaipur and a Class-I, Officer, in Rajasthan Civil Services. She had remained posted in Rajasthan since 2011.

4. The Transfer Petition has been preferred basically on the ground that her father-in-law, who was Assistant Superintendent of Police in Rajasthan, is a very influential person in Jaipur and that at his behest, threats have been extended to the petitioner, in respect whereof, some complaints have been made by her to the authorities. The son of the petitioner is living and studying in Kurukshetra, Haryana, where he has initiated proceedings for maintenance under Section 125 of the Code of Criminal Procedure, 1973 against the respondents. Therefore, it is just and proper to transfer the case to Haryana.

5. The father-in-law of the petitioner was the Assistant Superintendent of Police but has now retired. There is no allegation whatsoever in the petition that he is so influential even today so as to influence the decision of the Family Court at Jaipur. The extension of some threats as alleged may be a danger to her personal security but that may not be sufficient or a good ground for the transfer of the petition. The complaints, if any, alleging such threats are all subsequent to the filing of the divorce petition and may be for creating a ground for seeking transfer of the divorce petition. Even the initiation of the proceedings by the son at Kurukshetra in Haryana are subsequent to the filing of the divorce petition and appears to be an afterthought.

6. The petitioner has nowhere alleged that she is not going to stay in Jaipur any further or that she is likely to be transferred or going to live in Kurukshetra, Haryana. Therefore, when both the parties to the marriage/divorce petition are residing in Jaipur, it is not just and proper to transfer the case outside Rajasthan to a remote place like Kurukshetra in Haryana. It will not be inconvenient to both of them as, while on

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duty they will have to go to attend the proceedings to such a long distance and return.

7. In the overall facts and circumstances, we do not deem it necessary to transfer this divorce application, the petition is dismissed. No order as to costs.

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

.....J.
[V. RAMASUBRAMANIAN]

.....J.
[PANKAJ MITHAL]

New Delhi;
10th February, 2023.