

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No. _____ of 2020

IN THE MATTER OF:

XX XXX

...PETITIONER

VERSUS

XX XXX

...RESPONDENT

WITH

In the matter of: I..A. No. _____ of 2020

An application for ad-interim
ex-parte stay.

PAPER BOOK

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ADVOCATE FOR THE PETITIONER

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6.	I.A. No. _____ of 2020 An application for Ad-interim ex-parte Stay.	

LIST OF DATES

The petitioner is moving the present transfer petition seeking transfer of matrimonial case under section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX V/s XX XXX" NO. A – 0000 of 2020 pending in the Ld. Family Court, Mumbai within the jurisdiction of the Hon'ble High Court at Bombay to a court of competent jurisdiction at Principal Judge, Family Court, Tis Hazari, Delhi within the jurisdiction of the Hon'ble High Court of Delhi at New Delhi.

XX.XX.XXXX The marriage between the Petitioner and the Respondent was solemnized on XX.XX.XXXX at _____ as per Hindu rites and ceremonies.

XX.XX.XXXX That the Petitioner and the Respondent are living separately since XX.XX.XXXX.

XX.XX.XXXX That the petitioner filed a petition for the custody of the minor child and the respondent filed a petition of Divorce at Family Court, Mumbai on XX.XX.XXXX

That the petitioner is no longer staying in Mumbai and has got a transfer to New Delhi and is working for gains here. The Petitioner is having his permanent residence at Delhi.

Hence this transfer petition

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No. of 2020

IN THE MATTER OF:

XX XXX
S/o XXX
R/o XXX

....PETITIONER

VS

XX XXX
D/o XXX
R/o XXX

In the matter of:-

**TRANSFER PETITION UNDER
ARTICLE 139A OF THE
CONSTITUTION OF INDIA READ
WITH SECTION 25 OF CODE OF
CIVIL PROCEDURE.**

To,

The Hon'ble Chief Justice of India and his
Companion Justices of the Supreme Court
of India at New Delhi.

The Humble petition of the
above-named petitioner.

Most Respectfully Showeth as under:

1. That this is a petition under Article 139A of the Constitution of India and section 25 of the Civil Procedure Code read with order 36-B of the Supreme Court Rules, as amended seeking transfer of matrimonial case under section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX V/s XX XXX." NO. A – 0000 of 20XX pending in the Ld. Family Court, Mumbai within the jurisdiction of the Hon'ble High Court at Bombay to a court of competent jurisdiction at Principal Judge, Family Court, Tis Hazari, Delhi within the jurisdiction of the Hon'ble High Court of Delhi at New Delhi.
2. That the marriage between the Petitioner and the Respondent was solemnized on XX.XX.XXXX at Delhi as per Hindu rites and ceremonies.
3. That the marriage was duly consummated and out of this wedlock a male child namely xxxxxxxx was born on XX.XX.XXXX at _____ and the said child is in the care and custody of the respondent herein.

4. That the Petitioner and the Respondent are living separately since _____
5. That the Respondent had filed a petition U/s 13 (1) (i-a) of HMA in the month of _____ against the Petitioner herein for dissolving the marriage on the ground of cruelties and the aforesaid proceedings is pending for the completions of pleadings. Copy of divorce petition is annexed herewith as **Annexure P-1** (from pages ____ to ____).
6. That the petitioner filed a petition for the custody of the minor child on XX.XX.XXXX which was listed on XX.XX.XXXX before the principal Judge, Family Court, Tis Hazari Court, New Delhi. Copy of custody petition is annexed herewith as **Annexure P-2** (from pages ____ to ____).
7. That the petitioner is no longer staying in Mumbai and has moved to New Delhi and is working for gains here. The Petitioner is having his permanent residence at Delhi at _____. Address proof of the Petitioner is annexed herewith as **Annexure P-3** (from pages ____ to ____).

8. That as per the petitioner's best knowledge, the Respondent is also presently residing at _____, New Delhi – 1100XX .
9. That the petitioner is preferring this transfer petition inter-alia on the following grounds:-

GROUND

- A. Because the Respondent has now permanently settled/shifted to Delhi and has got admitted her minor child in Delhi school _____, this clearly proves that the Respondent intends to stay at Delhi for a long time and further, the pendency and continuation of the trial at Mumbai will cause grave inconvenience and hardship to the interest of the Respondent and the minor child and it will be very difficult for the Respondent to accompany the minor child for attending the date of hearing at Mumbai and the principle of natural justice, equity, good conscience and fair trial demands that proceedings may be transferred to the Principal Judge, Family Court, Tis Hazari, New Delhi.
- B. Because the petitioner is no longer staying in Mumbai and has moved to Delhi with effect from 11 November, 2019 and is working for gains here. The Petitioner is having his

permanent residence at Delhi at _____. The Petitioner is also filed the petition for custody of the minor child in Delhi court which is pending before the Principal Judge, Family Court, Tis Hazari, New Delhi vide G.P. No. _____ and now fixed for _____.

C. (Mention any other ground as per the merits of the case)

10. That the petitioner has not moved any other Transfer petition seeking transfer of matrimonial case under section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX vs XX XXX" pending in the Ld. Family Court, Mumbai within the jurisdiction of the Hon'ble High Court at Bombay to a court of competent jurisdiction at Principal Judge, Family Court, Tis Hazari, Delhi within the jurisdiction of the Hon'ble High Court of Delhi at New Delhi.

PRAYER

In the facts and circumstances of the case and in the interest of justice, it is most respectfully prayed that your Lordships may graciously be pleased to:-

transfer the aforesaid matrimonial case under section section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX vs XX XXX" pending in the Ld. Family Court, Mumbai

within the jurisdiction of the Hon'ble High Court at Bombay to a court of competent jurisdiction at Principal Judge, Family Court, Tis Hazari, Delhi within the jurisdiction of the Hon'ble High Court of Delhi at New Delhi.

- a) May pass such further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR ACT OF THIS KINDNESS THE PETITIONER SHALL EVER PRAY.

New Delhi
Dated

Filed by:

Advocate for the petitioner

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

I.A. No. _____ OF 2020

IN

TRANSFER PETITION (CIVIL) No. _____ of 2020

IN THE MATTER OF:

XX XXX

...PETITIONER

VERSUS

XX XXX

..RESPONDENT

AND IN THE MATTER OF:

**AN APPLICATION FOR AD-
INTERIM EX-PARTE STAY**

To,

The Hon'ble Chief Justice of India and his
Companion Justices of the Supreme Court
of India at New Delhi.

The Humble petition of the
above-named petitioner.

Most Respectfully Showeth as under:

1. That this is a petition under Article 139A of the
Constitution of India and section 25 of the Civil
Procedure Code read with order 36-B of the Supreme
Court Rules, as amended seeking transfer of under

section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX vs XX XXX" pending in the Ld. Family Court, Mumbai within the jurisdiction of the Hon'ble High Court at Bombay to a court of competent jurisdiction at Principal Judge, Family Court, Tis Hazari, Delhi within the jurisdiction of the Hon'ble High Court of Delhi at New Delhi.

2. That the facts material to the present application are not being set out herein for the sake of brevity since the same are detailed in the accompanying Transfer petition.
3. That the petitioner is seeking leave of this Hon'ble Court to refer and rely on the facts contended in the accompanying Transfer Petition at the time of hearing of the present application.
4. That the petitioner has a very good prime facie case in her favor and balance of convenience also lies in her favor.
5. That it will in the interest of justice that during the pendency of instant Transfer petition further proceedings

in matrimonial case under section 13 (1) (i-a) of Hindu Marriage Act titled a "XX XXX vs XX XXX" pending in the Ld. Family Court, Mumbai be stayed.

PRAYER

In the facts and circumstances of the case and in the interest of justice, it is most respectfully prayed that your Lordships may graciously be pleased to:-

- a. grant ad-interim ex-parte stay of the further proceedings in matrimonial case under section 13 (1) (i-a) of Hindu Marriage Act titled "XX XXX vs XX XXX" pending in the Ld. Family Court, Mumbai during the pendency of this petition; And/OR
- b. May pass such further order (s) as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case.

AND FOR ACT OF THIS KINDNESS THE PETITIONER SHALL EVER PRAY.

New Delhi
Dated

Filed by:

Advocate for the petitioner