

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C)No.1422 OF 2018

JASMEET KAUR

....PETITIONER

VERSUS

ISHTYAQ BHAT

....RESPONDENT

O R D E R

Heard learned counsel for the parties and perused the record.

We may record at the outset that this petition was filed under Section 25 of the Code of Civil Procedure, 1908 for transfer of Divorce Petition being Petition No.122 of 2018, titled as Ishtyaq Bhat vs. Jasmeet Kaur, pending in the Court of the 4th Addl.District Judge, Srinagar, to the Court of competent jurisdiction at Amritsar, Punjab. The issue with regard to the maintainability of transfer petitions from the State of Jammu and Kashmir and vice versa was settled by a Constitution Bench of this Court in Anita Kushwaha vs. Pushap Sudan, (2016) 8 SCC 509 wherein it was held that this Court is not powerless to transfer the petition from the State of Jammu & Kashmir to any other State and vice versa and such a power can be exercised under Article 32 and/or Article 136 and 142 of the Constitution of India.

..... 2/-

Thus, in the interest of justice and in the facts and circumstances of the case, we treat this transfer petition as one filed under Article 32 of the Constitution of India. However, it is made clear that this shall not be treated as precedent.

Having heard learned counsel for the parties, and in view of the hardships which will be faced by the petitioner in contesting the case at Srinagar, we deem it proper to allow this petition and transfer Divorce Petition being Petition No.122 of 2018, titled as Ishtyaq Bhat vs. Jasmeet Kaur, pending in the Court of the 4th Addl.District Judge, Srinagar, to the Court of District Judge, Amritsar, Punjab, who may try the case himself/herself or make over the same to any other Court of competent jurisdiction. Ordered accordingly.

.....J.
(N.V.RAMANA)

.....J.
(AJAY RASTOGI)

NEW DELHI;
JULY 22, 2019.

ITEM NO.38

COURT NO.3

SECTION XVI-A

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).1422/2018

JASMEET KAUR

Petitioner(s)

VERSUS

ISHTYAQ BHAT

Respondent(s)

(FOR ADMISSION and IA No.121273/2018-EX-PARTE STAY
IA No.121273/2018 - EX-PARTE STAY

Date : 22-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr.Joby P.Varghese, AOR
Mr.Rishabh Kapur, Adv.

For Respondent(s) Mr.Piyush Sharma, AOR

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.

As a sequel to the above, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)