PURUSHOTTAM KUMAR CHINTALAPUDI
PRINCIPAL DISTRICT JUDGE

PRL.DISTRICT COURT, ELURU
Dated :09-02-2024.
e-mail : wgo.pdj-ap@aij.gov.in

To

All the Judicial Officers in the Unit of West Godavari.

Sir/Madam,

Sub:- District Judiciary – Order dt.10.01.2024 of Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023 – Communicated to follow the directions – Regarding.

Ref:- 1.Order dt.10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023.

2.Hon'ble High Court's ROC No.48/SO/2024, dt.02.02.2024

**

While communicating the Order dt.10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023, it is bring to your notice that the Hon'ble Supreme Court of India in the order pleased to direct the party to make request for appearance through video conference, Court may consider, and the personal presence of party only be called when it is absolutely necessary.

I am to share that, in the matters relating to family disputes, the concerned Courts may take up the cases through video conference for appearance of party except as and when evidence is required. The recently

allotted *Microsoft Teams* can be used for appearance of parties especially in 498-A cases, DVC cases, HMOPs, DOPs, M.Cs etc.,

The directions to be followed.

Yours sincerely,

C. Purnachandra Rao

PRINCIPAL DISTRICT JUDGE,
W.G., ELURU.

DIS NO. 904
DATE 9-2-24

Dr. Y. LAKSHMANA RAO
REGISTRAR GENERAL

AMARAVATI
(Off) : 0863 2372613
(Telefax) : 0863 2372631

R 2024
7/2/24

ROC No.48/SO/2024 **Dated 02.02.2024**



To
All the Unit Heads in the State of Andhra Pradesh.

Sir/Madam,

Sub: High Court of Andhra Pradesh – Order dated 10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023 – Forwarded – Reg.

Ref: Order dated 10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023.

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Adverting to the subject and reference cited, as directed, I am to forward herewith copy of Order dated 10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023, for information and compliance.

Further, I also request you to communicate the same to all the Officers and to the Presidents of Bar Associations in your Unit, for information and strict compliance.

Yours sincerely,

Y. Lakshmana Rao
02/2/2024

REGISTRAR GENERAL

PRL. DISTRICT COURT : WEST GODAVARI : ELURU : DT. 08.02.2024

Communicated the copy of order dated 10.01.2024 of the Hon'ble Supreme Court of India passed in Transfer Petition (Civil) No.1957 of 2023 in the Hon'ble High Court's ROC No.48/SO/2024, Dt.02.02.2024 to all the Judicial Officers working in the Unit of West Godavari.

C. Ramakrishna Rao

PRL. DISTRICT JUDGE,
W.G., ELURU.

Copy to:

1. All the Judicial Officers working in the Unit of West Godavari, for information.
2. All the Bar Associations in the Unit of West Godavari.
3. The Senior Superintendents of Accounts Section, Central Nazarath and Superintendents of OP Cell & PTR, Principal District Court, Eluru.
4. The Incharge System Officer (eCourts project), Principal District Court, Eluru, with a direction to place the same in District Court's website and send **emails** to all the Officers.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1957 OF 2023

SHAMA SHARMA — PETITIONER

VERSUS

KISHAN KUMAR — RESPONDENT

ORDER

1. The petitioner-wife has filed the present petition under Section 25 of the Code of Civil Procedure, 1908 seeking transfer of a petition for restitution of conjugal rights filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, bearing CM No. 136 of 2023, titled ***"Kishan Kumar Vs. Shama Sharma"*** pending before the Principal Judge, Family Court, Sri Ganga Nagar, Rajasthan to a Court of competent jurisdiction at Faridkot, Punjab.

2. On 29th November, 2023 this Court had noted that none has entered appearance on behalf of the respondent-husband. In view of the statement made by learned counsel for the petitioner-wife that the parties were referred to mediation, but could not arrive at a settlement, it was deemed appropriate to await the presence of the respondent-husband. We had also directed that both the parties should appear virtually on the next date of hearing.

3. Learned counsel for the petitioner-wife states that he has given a written intimation of the order passed on 29th November, 2023 to the respondent-husband through speed post as well whatsapp, but he has not responded.

Signature Not Verified
Digitally signed by POOJA SHARMA
Date: 2024.01.17 12:29:11 IST
Reason:

4. None is present on behalf of the respondent-husband even today.

5. In view of the above, we deem it appropriate to allow the petition and direct transfer of the petition bearing CM No. 136 of 2023, titled ***"Kishan Kumar Vs. Shama Sharma"*** pending before the Principal Judge, Family Court, Sri Ganga Nagar, Rajasthan to a Court of competent jurisdiction at Faridkot, Punjab.

6. The records of the case be transferred forthwith to the transferee Court.

7. Further, liberty is granted to the respondent-husband to move an appropriate application before the transferee Court for permission to participate in the proceedings virtually. If such a request is made, the transferee Court may grant such permission and direct the personal presence of the respondent-husband only when it is absolutely necessary. Further, if examination of outstation witnesses is required and a request is made for recording the evidence through a Court Commissioner, the transferee Court shall consider the same and pass appropriate orders.

8. The Transfer petition is allowed.

9. Pending applications are disposed of.

10. Before parting with this matter, we have noted with surprise that the caste of both the parties has been mentioned in the memo of parties, besides their other details. Learned counsel for the petitioner submits that if the memo of parties as filed before the courts below is changed in any manner, the Registry raises an objection and in the present case as the caste of both the parties was mentioned before the court below, he had no option but to mention their caste in the Transfer Petition.

11. We see no reason for mentioning the caste/religion of any litigant either before this Court or the courts below. Such a practice is to be shunned and must be ceased forthwith. It is

therefore deemed appropriate to pass a general order directing that henceforth the caste or religion of parties shall not be mentioned in the memo of parties of a petition/proceeding filed before this Court, irrespective of whether any such details have been furnished before the courts below. A direction is also issued to all the High Courts to ensure that the caste/religion of a litigant does not appear in the memo of parties in any petition/suit/proceeding filed before the High Court or the Subordinate Courts under their respective jurisdictions.

12. The above directions shall be brought to the notice of the members of the Bar as well as the Registry for immediate compliance. A copy of this order shall be placed before the Registrar concerned for perusal and for circulation to the Registrar Generals of all the High Courts for strict compliance.

.....J.
(HIMA KOHLI)

.....J.
(AHSANUDDIN AMANULLAH)

NEW DELHI;
JANUARY 10, 2024
PS

ITEM NO.9 COURT NO.11 SECTION XV

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. 1957/2023

SHAMA SHARMA PETITIONER

VERSUS

KISHAN KUMAR RESPONDENT

(Mediation report received
(IA No. 152101/2023 - EX-PARTE STAY, IA No. 152103/2023 - EXEMPTION FROM FILING O.T.)

Date : 10-01-2024 This matter was called on for hearing today.

CORAM :
HON'BLE MS. JUSTICE HIMA KOHLI
HON'BLE MR. JUSTICE AHSANUDDIN AMANULLAH

For Petitioner(s) Mr. Aniket Jain, Adv.
Mr. Vidyut Kayarkar, Adv.
Mr. Umang Shankar, AOR

For Respondent(s)

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

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

2. The order *inter alia* reads as under:

> "8. The Transfer petition is allowed.
>
> 9. Pending applications are disposed of.
>
> 10. Before parting with this matter, we have noted with surprise that the caste of both the parties has been mentioned in the memo of parties, besides their other details. Learned counsel for the petitioner submits that if the memo of parties as filed before the courts below is changed in any manner, the Registry raises an objection

and in the present case as the caste of both the parties was mentioned before the court below, he had no option but to mention their caste in the Transfer Petition.

11. We see no reason for mentioning the caste/religion of any litigant either before this Court or the courts below. Such a practice is to be shunned and must be ceased forthwith. It is therefore deemed appropriate to pass a general order directing that henceforth the caste or religion of parties shall not be mentioned in the memo of parties of a petition/proceeding filed before this Court, irrespective of whether any such details have been furnished before the courts below. A direction is also issued to all the High Courts to ensure that the caste/religion of a litigant does not appear in the memo of parties in any petition/suit/proceeding filed before the High Court or the Subordinate Courts under their respective jurisdictions.

12. The above directions shall be brought to the notice of the members of the Bar as well as the Registry for immediate compliance. A copy of this order shall be placed before the Registrar concerned for perusal and for circulation to the Registrar Generals of all the High Courts for strict compliance."

(POOJA SHARMA)
COURT MASTER (SH)

(NAND KISHOR)
COURT MASTER (NSH)