

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO. 12 OF 2007

SUSHMA Petitioner(s)

VERSUS

RAJIV MISHRA Respondent(s)

(With application for stay and office report)
(FOR FINAL DISPOSAL)

Date: 05/10/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.B. SINHA

HON'BLE MR. JUSTICE H.S. BEDI

For Petitioner(s) Ms. Rekha Aggarwal,Adv.
Mr. Pankaj Kumar Singh,Adv.
Dr. Vinod Tewari,Adv.
Mr. K.L. Janjani,Adv.For Respondent(s) Mr. Himanshu Munshi,Adv.
Mr. Rajesh Kr. Chaurasia,Adv.UPON hearing counsel the Court made the following
ORDER

The transfer petition is allowed in terms of the signed order.

(A.S. BISHT)
COURT MASTER(PUSHAP LATA BHARDWAJ)
COURT MASTER[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 12

OF 2007

SUSHMA ... PETITIONER(S)

:VERSUS:

RAJIV MISHRA ... RESPONDENT(S)

ORDER

Having heard the learned counsel appearing for the parties, we direct that the divorce case being HMA No. 126/2006, titled Rajiv Mishra vs. Sushma, pending before the District Judge, Delhi, be transferred to the Family Court at Ajmer, Rajasthan. The Family Court at Ajmer, Rajasthan shall fix the date of hearing and intimate the same to the parties.

As the respondent is a resident of Delhi, we would request the Family Court at Ajmer, Rajasthan to accommodate him as far as practicable and, if possible, the hearing of the case may be taken up on day-to-day basis. In the event the respondent files an application for examination of his witnesses on commission, the same may be considered on its own merits.

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Before us a statement has been made by the learned counsel for the respondent that certain security exist concerns for the respondents to attend the proceedings of the Family Court at Ajmer. If that be so, the respondent may bring the same to the notice of the Senior Superintendent of Police, Ajmer, who shall look into the matter.

We have passed this order inter alia upon taking into consideration the fact that the marriage before the parties had taken place at Vijay Nagar, Ajmer, and admittedly, some criminal cases filed against the respondent at Ajmer are also pending.

In that view of the matter, we would request the Courts concerned to fix the date of hearing in such a manner so that the respondent would not have to go to Ajmer again and again.

The transfer petition is allowed accordingly.

.....J
(S.B. SINHA)

.....J
(H.S. BEDI)

NEW DELHI,
OCTOBER 5, 2007.