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T.P.(C) No. 33 OF 2000

ITEM No.19

Court No. 2

SECTION XVIA
A/N MATTER

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.33/2000

CHAYANA DAS (NAYAK) ... Petitioner

VERSUS

TARUN KUMAR DAS ... Respondent

(With Appln(s). for stay and exemption from filing O.T.
c/delay in filing counter affidavit)

Date : 23/04/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE Y.K. SABHARWAL

For Petitioner (s) Mr. Vijay Kumar, Adv.
Mr. Ashwani Garg, Adv.
Ms. Sangeeta Kumar, Adv.

For Respondent (s) Mr. S.N. Bhat, Adv.

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

.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2

Transfer petition is allowed.
There will be no order as to costs.

.SP1

Sushma (Shelly Sengupta)
Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 33 OF 2000 @@
EE

CHAYANA DAS (NAYAK) PETITIONER

versus

TARUN KUMAR DAS RESPONDENT

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....J.....
.SP2

This is a transfer petition by the wife. She seeks the transfer of matrimonial proceedings filed by the husband at Tinsukiya to Cooch Bihar. It is her case that the distance between Cooch Bihar, where she now resides, and Tinsukiya is about 830 kilometers. It costs Rs.3 to 4 hundred, depending upon the mode of transport, and the time taken is 20 hours. She cannot travel up and down alone.

The plea on behalf of the husband is that the wife has five brothers to support her, that the husband is the only earning member of his family, that he is paying maintenance to the wife, and that the distance between Tinsukiya and Cooch Bihar is covered in 13 hours; none of which impresses us.

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Accordingly, the transfer petition is allowed and case bearing No. T(Suit) 10/1999 pending in the court of the District Judge, Tinsukiya, Assam is transferred to the District Judge, Cooch Bihar, West Bengal. There will be no order as to costs.

.SP1

.....J
(S.P. BHARUCHA)

.....J
(DORAISWAMY RAJU)

New Delhi
April 23, 2001.

.....J
(Y.K. SABHARWAL)