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T.P.(C) No. 97 OF 2003
ITEM No.27

Court No. 4

SECTION XVIA
A/N MATTER

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition.(Civil) No.97/2003

INALA SUHASINI

Petitioner (s)

VERSUS

INALA SREENIVASA RAO

Respondent (s)

(With Appln(s). for stay)(With Office Report)

Date : 25/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. Bharat Kumar, Adv.
Mr. Anand, Adv.
Mr. Indra Makwana,Adv.

For Respondent (s)

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

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

No order as to costs.

(N. Annapurna)
Court Master

(Radha R. Bhatia)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.97 OF 2003

Inala Suhasini ...Petitioner

Versus

Inala Sreenivasa Rao ...Respondent

O R D E R

The petitioner has filed a petition for restitution of conjugal rights, being O.P.No.81/2002, before the Senior Civil Judge, Nellore, Andhra Pradesh. The Respondent-husband has also filed a petition for dissolution of marriage, being Matrimonial Suit No.1207/2002, before the District Judge, Alipore, West Bengal. The wife-petitioner is residing at Nellore, Andhra Pradesh. This is a petition preferred by the wife seeking transfer of the said matrimonial proceedings from Alipore to Nellore.

Respondent, though served, has chosen not to appear.

Having heard the learned counsel for the petitioner, but without expressing any opinion on such of the allegations which are subjudice in the main proceedings, we are of the opinion that it will be for better convenience of the parties and in the interest of justice if the proceedings are directed to be transferred from Alipore to Nellore to be heard by a competent court hereat.

...2/-

-2-

Accordingly, the transfer petition is allowed. It is directed that Matrimonial Suit No.1207/02, titled "Inala Sreenivasa Rao vs. Inala Suhasini," pending in the court of the District Judge, Alipore, West Bengal, shall stand transferred to the court of the District Judge, Nellore, Andhra Pradesh.

The learned District Judge, Alipore, West Bengal, shall, soon on communication of this order, transfer the record of proceedings in Matrimonial Suit No.1207/2002, titled "Inala Sreenivasa Rao vs. Inala Suhasini", to the court of the District Judge, Nellore, Andhra Pradesh who may try the suit himself or make over the same to a competent court within his jurisdiction for trial and decision according to law.

The transferee court shall issue notice to the respondent.

No order as to costs.

.....J.
(R.C. LAHOTI)

.....J.
(ASHOK BHAN)

New Delhi,
August 25, 2003.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
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Versus

Inala Sreenivasa Rao ...Respondent

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No order as to costs.

.....J.
(R.C. LAHOTI)

.....J.
(ASHOK BHAN)

New Delhi,
August 25, 2003.