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T.P.(C) No. 35 OF 2000

ITEM No.32

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
R E C O R D O F P R O C E E D I N G S

Transfer Petition (Civil) No.35/2000

DURGA MITRA

Petitioner (s)

VERSUS

HIRANMOY MITRA

Respondent (s)

(With Appln(s). for stay and exemption from publishing the
notice dated 29.09.2000)

Date : 23/07/2001 This Petition was called on for hearing today.

CORAM :

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

For Petitioner (s) Mr. Alope Bhattacharya, Adv.
Mr. Somnath Mukherjee, Adv.

For Respondent (s)

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

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

The transfer petition is allowed. No order as to costs.

.SP1

(N. Annapurna)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL ORIGINAL JURISDICTION@@
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TRANSFER PETITION (CIVIL) NO. 35 OF 2000@@
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Durga Mitra

...Petitioner(s)

Versus

Hiranmoy Mitra

...Respondent(s)

O R D E R@@
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L.....L.....I.....T.....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 in the Tis Hazari Court in Delhi to the court of District Judge, Howrah.

The husband has been served by substituted service but has not chosen to put in an appearance.

The wife resides with two minor daughters with her father in Calcutta. She avers that she does not have the finances to contest the proceedings at Delhi although she had had to come twice for that purpose and had to engage a lawyer. She also states that she does not have any place to reside in Delhi. Given there is no response to the transfer petition, it must be made absolute.

Accordingly, H.M.A. Petition No.34/1997 pending in the court of the Additional District Judge, Tis Hazari, Delhi shall stand transferred to the court of the District Judge, Howrah who shall hear it himself or assign it for hearing to an appropriate court.

Order accordingly.

No order as to costs.

.SP1

.....J.@@
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(S.P. Bharucha)@@
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.....J.@@
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(Y.K. Sabharwal) @@
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New Delhi,@@

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July 23, 2001. @@

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