

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (CIVIL) NO.41 OF 2010

BRIJ BALA

Petitioner(s)

VERSUS

MANEESH MITTAL & ORS.

Respondent(s)

WITH T.P. (C) NOS.307-308 OF 2011

O R D E R

Transfer Petition Nos.307-308 of 2011, has been filed by the wife for transfer of Guardianship Petition No.25 of 2010, titled Maneesh Mittal v. Brij Bala, pending in the Court of Additional Senior Civil Judge/Guardianship Court, Saket Court, New Delhi, to the Court of competent jurisdiction at Chandigarh, together with Civil Revision No.154 of 2010, pending before the High Court in Delhi to the High Court of Punjab and Haryana at Chandigarh.

During the submissions made on behalf of the parties, it was submitted on behalf of the wife that the second part of the prayer has become infructuous and the petitioner does not wish to press the same.

Transfer Petition No.41 of 2010, has also been filed by the wife for transfer of Civil Suit No.1590 of 2009, filed by the husband, pending before the Additional Senior

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Civil Judge (South) Room No.26, Patiala House Courts, New Delhi, also to a Court of competent jurisdiction at Chandigarh. Learned counsel for the petitioner also informed us that H.M.A. Case No.1778 of 2009, which is a

petition filed by the husband under Section 13 of the Hindu Marriage Act, has already been transferred to the Court of District Judge at Chandigarh.

Having heard learned counsel for the respective parties, since the divorce proceedings have already been transferred to the Court of District Judge at Chandigarh, let Guardianship Petition No.25 of 2010, referred to hereniarove, as also the Civil Suit No.1590 of 2009, also stand transferred to the Court of District Judge, Chandigarh, to be heard and disposed of by a court of competent jurisdiction, if possible, along with the divorce petition already transferred.

Apart from the above, on behalf of the husband, it was submitted that of the two children, while the daughter is with the husband, the son, who is about eight years old, is with his mother at Ludhiana. It was submitted that a prayer had been made for visitation rights, which had not been considered by the Family Court at Saket.

In the interest of the children, who, in our view, are entitled to the affection and attention of both their parents, there is no reason why the father should not be

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allowed access to his minor son, who is at present in the custody of the wife and vice versa.

Accordingly, we also direct that the respondent will be entitled to visit his son on every alternate Sunday at Chandigarh at the residence of the petitioner.

For the

said purpose, the husband will be entitled to meet the child at 9 a.m. in the residence of the petitioner, and if the child is willing, the father will also be entitled to take him out and bring him back to his wife by 5 p.m.

We

also indicate that on the said days, the respondent shall also bring the minor daughter to the residence of the petitioner so that the children are not deprived of each others company and the company of their parents. These arrangements are subject to the orders that may be passed by the court of competent jurisdiction in future.

In view of the fact that Raksha Bandhan is on 13th August, 2011, the respondent shall be entitled to visit the son at the residence of the petitioner at Chandigarh on the said occasion, when he is also directed to bring their daughter for meeting her brother.

The transfer petitions are disposed of as above.

.....J.
(Altamas Kabir)

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.....J.
(Surinder Singh Nijjar)

New Delhi,
July 29, 2011.

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ITEM NO.39+44

COURT NO.2

SECTION XVIA

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(s).41 OF 2010

BRIJ BALA

Petitioner(s)

VERSUS

MANISH MITTAL & ORS.

Respondent(s)

(With appln(s) for stay and office report)

WITH T.P. (C) Nos.307-308 of 2011

(With appln.(s) for directions and stay and permission to file addl. Affidavit and office report)

Date: 29/07/2011 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Mr. K.G. Bhagat, Adv.
Ms. Suruchi D., Adv.
Mr. Vineet Bhagat, Adv.

For Respondent(s) Ms. Suman Kapoor, Adv.
Ms. Hetu Arora, Adv.

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

The transfer petitions are disposed of in terms of
the signed order.

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(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar

(Signed order is placed on the file)