

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). 68 OF 2006

LATA SHARMA

P etitioner(s)

VERSUS

RAJESH KUMAR SHARMA

R espondent(s)

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

I.A. No. 3 (Appln. for permission to file rejoinder affidavit)

Date: 13/10/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. K.B. Rohtagi,Adv.

Mr.Mahesh Kasana, Adv.

Ms. Aparna Rohatgi Jain, adv.

For Respondent(s)

Mr.B.S. Jain, Adv.

Mr. Ajay Veer Singh Jain, Adv.

Ms. Charuwali Khanna, Adv.

Dr. (Mrs.) Vipin Gupta,Adv.

UPON hearing counsel the Court made the following

O R D E R

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

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C.) NO. 68 OF 2006

Lata Sharma
... Petitioner

Versus

Rajesh Kumar Sharma
.... Respondent

O R D E R

We have heard counsel for the parties.

The petitioner herein is the wife of respondent herein and she has prayed for transfer of proceedings filed by the respondent under Section 13 of the Hindu Marriage Act before the Family Court Agra at Agra to the Court of District Judge Karauli, Rajasthan. It is stated that criminal proceedings under Sections 498A/406 IPC and Section 125 Cr.P.C. as well as an application under Section 9 of the Hindu Marriage Act, filed by the petitioner-wife are pending at Karauli, Rajasthan and the respondent herein is contesting the same.

Having regard to the facts and circumstances of the case, we hold this to be a fit case for allowing the transfer petition. Accordingly, the transfer petition is allowed. H.M. Case No. 617/2005 titled

"Rajesh Kumar Sharma Vs. Lata Sharma" pending in the Family Court Agra at Agra is directed to be

transferred to the Court of District Judge, Karauli, Rajasthan. The District Judge, Karauli may try the case

himself or assign the same to a court of competent jurisdiction for disposal.

The Presiding Officer, Family Court at Agra shall soon on communication of this order transfer the record of H.M.A. Case No. 617/2005 titled "Rajesh Kumar Sharma Vs. Lata Sharma" to the Court of District Judge, Karauli, Rajasthan.

No order as to the costs.

.....J.

(B.P. SINGH)

.....J.

(TARUN CHATTERJEE)

New Delhi, October 13, 2006