

T.P.(C) No. 157 OF 2003
ITEM No.34

Court No.12

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.157/2003

SUMAN MITTAL @ SUMAN GUPTA

Petitioner (s)

VERSUS

GIRISH KUMAR MITTAL

Respondent (s)

(With Appln(s). for stay and PERMISSION TO FILE ADDITIONAL AFFIDAVIT
and exemption from filing O.T.)

Date : 10/09/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner (s)
Mr. K.B.Sinha, Sr.Adv.
Mr. Niraj Sharma,Adv.
Mr. Neeraj Srivastava, Adv.

For Respondent (s)
Mr. Subramonium Prasad.,Adv.
Mr. Gopalakrishnan, Adv.
Mr. Abhay Kumar, Adv.
Mr. Rahul, 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.

(SUKHBIR PAUL KAUR)
COURT MASTER

(ASHA JOSHI)
COURT MASTER
(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C)NO.157/2003

SUMAN MITTAL @ SUMAN GUPTA.....PETITIONER(S)

VERSUS

GIRISH KUMAR MITTAL.....RESPONDENT(S)

O R D E R

Heard learned Counsel for the parties.

The petitioner was married to the respondent on 16th January, 1996. It appears from the material placed before us that disputes have arisen between them and they are not able to reconcile their differences. The parties have also two children who are presently residing with the respondent. It appears that since February, 2001 the petitioner is staying with her father at Delhi because she alleges that she has been thrown out of her matrimonial home.

The respondent has filed a divorce petition at Firozabad being Matrimonial Petition No.67 of 2002 (Girish Kumar Mittal Versus Suman Mittal) which is pending in the

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Court of Civil Judge (Family Court Judge), Firozabad in the State of U.P. On the other hand, the petitioner has filed a complaint under Section 498A of the Indian Penal Code at Delhi which is being investigated. Having regard to the fact that the wife namely the petitioner has no means to prosecute the civil proceedings in the matrimonial petition at Firozabad and she is dependent upon her father who resides in Delhi, we are of the view that in the interest of justice Matrimonial Petition No.67 of 2002 aforesaid be transferred to the Court of District Judge, Delhi, who may assign the case for trial before the appropriate Court. We order accordingly. The transfer petition is allowed.

.....J.
(B.P.SINGH)

.....J.
(P.K.BALASUBRAMANYAN)

NEW DELHI;
SEPTEMBER 10, 2004