

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 (C)NO(s).815 OF 2004

PUSHPA MISHRA
er(s)

Petition

VERSUS

ANAND KUMAR MISHRA
nt(s)

Responde

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

WITH T.P.(CRL.) NO. 40/2005

(With application for ex-parte stay and office report)

Date: 04/04/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE DR. JUSTICE AR. LAKSHMANAN

For Petitioner(s)

Ms. Punam Kumari, Adv.

In TP(C) 815/2004

For Respondent(s)

Mr. M.K. Michael, Adv.

in TP(C)No.815/2004

Mr. Mayank Mishra, Adv.

and for petitioner
in TP(Crl.)40/2005

UPON hearing counsel the Court made the following

O R D E R

T P © No. 815 of 2004 is allowed and T.P.(Crl.) No.40/2005 is
dismissed in terms of the signed order.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

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RANSFER PETITION(C) NO.815 OF 2004

PUSHPA MISHRA

..PETITIONER

VERSUS

ANAND KUMAR MISHRA

..RESPONDENT

WITH

TRANSFER PETITION(CRL.) NO. 40 OF 2005

O R D E R

T.P.(Civil) No. 815 of 2004

Petitioner-wife has moved this petition under Section 25 of the Code of

Civil Procedure for transfer of Divorce Petition being case No.HMA 371/2004

titled Anand Kumar Mishra vs. Pushpa Mishra pending before the Additional

District Judge, Kakardooma Court, Delhi to the Court of District Judge, Patna

(Bihar).

After taking into consideration the averments made in the petition and

counter affidavit and looking to the convenience of the wife, we deem it

appropriate to transfer HMA 371/2004 titled Anand Kumar Mishra vs. Pushpa

Mishra pending before the Additional District Judge, Kakardooma Court, Delhi

to the Court of District Judge, Patna(Bihar).

The District Judge, Delhi is directed to transmit the entire record

related to the above-said case forthwith to the District Judge, Patna(Bihar) who

on receipt of the same either hear it himself or may assign it to a court of

competent jurisdiction.

The Transfer Petition is allowed accordingly.

T.P.(Crl.) No. 40/2005

This petition has been filed by the husband under Section 406 of the

Code of Criminal Procedure for transfer of Maintenance Case No. 107(M)/2004

titled Pushpa Mishra & Others vs. Anand Kumar Mishra pending in the Court of

Principal Judge, Family Court, Patna(Bihar) to a Court of competent jurisdiction

at Delhi.

As we have allowed the Transfer Petition(C) No. 815 of 2004 filed by
the wife, this petition does not survive and is dismissed.

.....J.

.....

[Ashok Bhan]

New Delhi;
.....J.

.....

April 04, 2005.

[Dr.AR.Lakshmanan]