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SLP(C)No. 3352 OF 2003
ITEM No.204

Court No. 8

SECTION XVII
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

Petition(s) for Special Leave to Appeal (Civil) No.3352/2003

(From the judgement and order dated 02/09/2002 in TRP 3/02
of The High Court of Jharkhand at Ranchi)

ASHA DEVI

Petitioner (s)

VERSUS

NAND KUMAR TIWARI

Respondent (s)

(With prayer for interim relief)
(For Final Disposal)

Date : 22/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. Shekhar Prit Jha,Adv.

For Respondent (s)

Mr. Gopal Prasad,Adv.

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

Leave granted.

Appeal is disposed of in terms of the signed order.

There shall be no order as to costs.

Sukhwinder (Jasbir Singh)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2003
(Arising out of SLP Nos. 3352/2003)

Asha Devi..... Appellant (s)

VS.

Nand Kumar Tiwari Respondent (s)

O R D E R

Leave granted.

Heard learned counsel for the parties.

This appeal is against an order dated 2nd September,2002 wherein an application for transfer of Matrimonial Suit No. 9 of 2001, filed by the appellant from the Family Court, Ranchi to a competent Court at Deoghar had been rejected.

The appellant is a young lady. She has no income and therefore cannot bear the expenses of going from Deoghar to Ranchi. She also have two children and no escort to go with her from Deoghar to Ranchi. The distance between Deoghar to Ranchi is 400 k.m. In our view, the High Court has not considered these aspects. The High Court has refused transfer on the ground that the suit could be disposed of quickly in two or three hearings. In our view, these are not grounds on which an application of a wife for transfer could have been refused. Inconvenience of lady and the fact that it is difficult for a lady to travel without escort have to be kept in mind. It also could not be denied that she does not have any income which would enable her to travel from Deoghar to Ranchi.

Under these circumstances, the impugned order is set aside. Suit No. 9/2001 entitled Nand Kumar Tiwari v. Smt. Asha Devi pending in the Court of the Judicial Commissioner, Ranchi is transferred to the competent Court at Deoghar. The appeal is disposed of. There shall be no order as to costs.

.....J.
(S.N. VARIAVA)

.....J.
(H.K. SEMA)

New Delhi,
August 22, 2003.