

T.P.(C) No. 115 OF 2004
ITEM No.49

Court No. 3

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.115/2004

DIPTI VIPUL THAKKAR

Petitioner (s)

VERSUS

VIPUL TULSHIDAS THAKKAR

Respondent (s)

(With Appln(s). for stay)

Date : 26/04/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)
Mr. Rashmi Kumar Manilal Vithlani, Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

Respondent though served has chosen not to appear.
The transfer petition is allowed in terms of the signed order.
No order as to the costs.

(Ajay Kr. Jain)
(Radha R. Bhatia)
Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 115 OF 2004

Dipti Vipul Thakkar ...Petitioner

Versus

Vipul Tulshidas Thakkar...Respondent

O R D E R

Respondent though served has chosen not to appear.
The respondent-husband has filed a petition for seeking decree of divorce under Section 13(1)(1A) of the Hindu Marriage Act, 1955 being Marriage Petition No. A-1796 of 2003 before the Family Court, Bandra (East) Mumbai, Maharashtra. The wife-petitioner is residing at Rajkot. This is a petition filed by the petitioner-wife seeking transfer of the abovesaid proceedings from Family Court, Bandra (East) Mumbai, Maharashtra to the Court of Civil Judge (Senior Division) Rajkot, Gujarat.

Having heard learned counsel for the petitioner, but without expressing any opinion on the allegations made in the transfer petition, which are subjudice in the main proceedings, we are of the opinion that it will be for better convenience of the parties and in the interest of justice if the proceedings are directed to be transferred from Family Court, Bandra (East) Mumbai, Maharashtra to the District Judge, Rajkot, Gujarat. Accordingly, the transfer petition is al

lowed.

..2/-

It is directed that Marriage Petition No. A-1796 of 2003 titled "Vipul Tulshidas Thakkar Vs. Dipti Vipul Thakkar" pending in the Family Court, Bandra (East) Mumbai, Maharashtra shall stand transferred to the Court of District Judge, Rajkot, Gujarat.

The Presiding Officer, Family Court, Bandra (East) Mumbai, Maharashtra shall, soon on communication of this order, transfer the record of proceedings in Marriage Petition No. A-1796 of 2003 titled "Vipul Tulshidas Thakkar Vs. Dipti Vipul Thakkar" to the Court of District Judge, Rajkot who may try the petition himself or make over the same to a Court of competent jurisdiction subordinate to him.

No order as to the costs.

.....J.

(R.C. LAHOTI)

.....J.

(ASHOK BHAN)

New Delhi,
April 26, 2004