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T.P.(C) No. 136 OF 2003

ITEM No.43

Court No. 8

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.136 of 2003

KIRAN K. VARU

Petitioner (s)

VERSUS

KISHORE J. VARU

Respondent (s)

(With appln(s). for stay)

Date : 18/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Manish Pitale,Adv.  
Mr. Chander Shekhar Ashri,Adv.

For Respondent (s)Mr. V. Prabhakar,Adv.  
Mr. M.K.D. Namboodiri,Adv.

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

Heard learned counsel for the parties for a while.

The transfer petition is dismissed.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 136 OF 2003

Kiran K. Varu ...Petitioner(s)

Versus

Kishore J. Varu ...Respondent(s)

O R D E R

This petition is filed by the wife seeking transfer of H.M.O.P. No. 57 of 2002, titled as Kishore J. Varu vs. Kiran K. Varu, pending in the court of Sub-Judge, Dindigul, Tamil Nadu, to the District Court at Chandrapur, Maharashtra on the grounds that the distance between the two courts is more than 1000 kilometers; she has no source of income and is entirely dependent upon her brothers; and she cannot travel alone from Chandrapur to Dindigul. On enquiry, the learned counsel for the petitioner submitted that the petitioner has no children.

On the other hand, the learned counsel for the respondent submitted that all the witnesses in the case are from Dindigul and it may be difficult for the respondent to take the witnesses to Chandrapur for giving evidence. When we asked the learned counsel whether the respondent is ready to bear the expenses of the petitioner and a person accompanying her whenever her presence is required in the court at Dindigul, the learned counsel, while opposing the

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transfer petition, submitted that the respondent will be ready and willing to bear the travelling and other incidental expenses.

Having regard to the facts and circumstances of the case and in the light of the submissions made on either side, we think it is just and appropriate that the respondent shall bear the travelling expenses of the petitioner and an accompanying person by train in second A/c class from Chandrapur, Maharashtra, to Dindigul, Tamil Nadu, whenever the petitioner is required to attend the court at Dindigul and whenever her presence is required to give necessary instructions to her advocate along with incidental expenses of Rupees one thousand. In view of this, we do not think it necessary to order transfer of the case, as prayed for.

Accordingly, the transfer petition is dismissed, subject to what is stated above.  
No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[D.M. DHARMADHIKARI]

New Delhi,  
August 18, 2003.