

j
T.P.(C) No. 112 OF 2003
ITEM No.28

Court No. 5

SECTION XVIA
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

Transfer Petition.(Civil) No.112/2003

BHAWANA SHARMA

Petitioner (s)

VERSUS

AMIT SHARMA

Respondent (s)

(With Appln(s). for stay)

Date : 03/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DORAISWAMY RAJU
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Petitioner (s)Mr. N.N. Keshwani,Adv.

For Respondent (s)Mr. Sudhir Kumar Gupta,Adv.

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

Transfer petition is allowed in terms of the signed order.

(D.L.Chugh) (Vijay Aggarwal)
Court Master Court Master

Singed order is placed on the file

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) No.112 OF 2003

BHAVNA SHARMAPETITIONER

versus

AMIT SHARMA

RESPONDENT

O R D E R

The above transfer petition has been filed seeking for the transfer of HMA No.896 of 2002 titled Amit Shamra vs. Smt. Bhavna Sharma pending before the Additional District and Sessions Ju

dge, Tis Hazari Court, New Delhi to the District Court/Family Court at Ulhasnagar (Maharashtra).

The respondent has entered appearance and opposed the claim, besides also contending that being an application for restoration of conjugal rights and his preparedness to take the petitioner-wife back along with the child there is no need to allow this transfer petition. Keeping in view the peculiar facts of this case we had passed appropriate orders to enable the wife with the help and assistance of her choice to come to Delhi at the expense of the husband for amicably settling the matter by negotiation through and availing of the services of the Delhi Legal Services Authority. The wife is not willing to reciprocate in spite of the receipt of the amount which was said to have been paid to her counsel as ordered by this Court. Being a transfer petition we do not propose to issue any further direction in this regard. Considering the overall situation and circumstances of the case, we are of the view that reasons urged for seeking transfer appears to be reasonable. Accordingly the above said transfer petition is allowed and HMA Case No.HMA No.896 of 2002 titled Amit Shamra vs. Smt. Bhavna Sharma pending before the Additional District and Sessions Judge, Tis Hazari Court, New Delhi is directed to be transferred to the District Court/Family Court at Ulhasnagar (Maharashtra) who will try the case himself or place the matter before a court of competent jurisdiction. It is made clear that by ordering the transfer, it could not be considered or construed that this Court has approved of the move or stand of the wife as to the merits of her contentions in the main O.P. filed by the husband. As is obligatory for the court, trying matrimonial cases it is always permissible for the trial court to explore the possibility of an amicable settlement of the matter, between the parties before embarking upon the trial or disposal of the case on merits, and in accordance with law.

.....J.

(DORAISWAMY RAJU)

.....J.

(ARIJIT PASAYAT)

New Delhi,

FEBRUARY 03, 2004