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T.P.(C) No. 161 OF 2003
ITEM No.211

Court No. 4

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.161/2002

RAJU TAPARIA & ORS.

Petitioner (s)

VERSUS

CHAMPA DEVI

Respondent (s)

(With Appln(s). for stay and office report)
(For Final Disposal)
(along with record of T.P. (Crl) No. 74 of 2003)

Date : 08/08/2003 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. Pallav Shishodia, Adv.
Mr. Hemant Sharma, Adv.
Mr. Ranbir Yadav, Adv.

For Respondent (s)

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

Transfer petition is allowed.

Sushma (Radha R. Bhatia)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL)NO. 161 OF 2003

SMT. RAJU TAPARIA & ORS.

....

PETITIONER(S)

VERSUS

SMT. CHAMPA DEVI

.... RESPONDENT(S)

O R D E R

A compromise was arrived at on 15.11.2002 between petitioners' family and family of respondent, whereby it was agreed that marriage between petitioner no.1 and her husband Radheyeshyam can not continued and dissolved by decree of divorce upon mutual consent and parties shall withdraw the cases against each other including the civil and criminal proceedings initiated by the respondent herein at North Lakhimpur (Assam). However, the respondent's family has not acted upon the said compromise. This is so alleged by the petitioners.

The respondent/sister-in-law of petitioner no.1 wife has filed a defamation suit being MS No. 20/2002 titled as Smt. Champa Devi vs. Smt. Raju and Ors. In the Court of Civil Judge (Senior Division), North Lakhimpur (Assam). This is a petition filed by the petitioners seeking transfer of the above said proceedings from Lakhimpur (Assam) to the competent Court at Bikaner (Rajasthan).

Respondent though served has chosen not to appear.

Having heard the learned counsel for the petitioner, but without expressing any opinion on the allegations made in the 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 Lakhimpur (Assam) to Bikaner (Rajasthan), more so when there is no opposition to the transfer petition.

Accordingly, the transfer petition is allowed. It is directed that MS No. 20/2002 pending before the Court of Civil Judge (Senior Division) North Lakhimpur (Assam) shall stand transferred to the Court of District Judge at Bikaner (Rajasthan), who may make over the case to court competent to try the same.

The Presiding Officer, Civil Judge Senior Division North Lakhimpur (Assam) shall, soon on communication of this order, transfer the record of proceedings in MS No.20/2002 titled as Smt. Champa Devi vs. Smt. Raju & Ors." to the Court of District Judge at Bikaner (Rajasthan).

.....J
(R.C. LAHOTI)

8th AUGUST, 2003J
NEW DELHI (ASHOK BHAN)

.....J
(R.C. LAHOTI)

8th AUGUST, 2003J
NEW DELHI (ASHOK BHAN)

