

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).3850/2005

(From the judgement and order dated 04/01/2005 in CP No.
988/2004 of The HIGH COURT OF KARNATAKA AT BANGALORE)

REKHA PARAS Petitioner(s)

VERSUS

PARAS KANTILAL DOSHI Respondent(s)

(With prayer for interim relief and office report)
(For final disposal)

Date: 05/02/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AFTAB ALAM
HON'BLE DR. JUSTICE B.S. CHAUHAN

For Petitioner(s) Mr. R. Anand Padmanabhan, Adv.
Mr. Pramod Dayal, Adv.

For Respondent(s) Ms. K. Sarada Devi, Adv.

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

Leave granted.

The appeal is disposed of in terms of the signed
order.

(Neetu Khajuria)
Sr.P.A.

(Mithlesh Gupta)
Court Master

(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1632 OF 2010
@ S.L.P.(C) No.3850/2005

REKHA PARAS Appellant(s)

VERSUS

PARAS KANTILAL DOSHI Respondent(s)

O R D E R

Leave granted.

The prayer in this appeal preferred by the estranged wife is to transfer the proceedings of Matrimonial Case No.74 of 2004 pending before the Family Court, Belgaum to the Family Court, Bangalore.

The appellant was married to the respondent in the year 1995 and a son was born to them on 10.7.1996.

The marriage, however, seems to have run into rough weather and from 18.8.1997, the spouses are living separately.

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The appellant earlier filed a petition under Section 9 of the Hindu Marriage Act at Bangalore which was registered as Matrimonial Case No.795 of 1998. The husband responded by filing a divorce petition that was registered as Matrimonial Case No.690 of 1999.

Both the cases were heard together and by order dated 25.2.2002, the divorce petition filed by the respondent was dismissed and the appellant was granted a decree of restitution of conjugal rights.

In pursuance of the decree, the respondent took a separate accommodation, but the appellant, for her own reasons, refused to go and live with him there. As a result, the execution proceeding arising from the decree of restitution of conjugal rights was dismissed on 21.8.2002. After that the respondent has instituted the present proceedings, this time at Belgaum, where

he resides with her mother. The appellant lives with her son at Chennai and she finds it difficult to travel to Belgaum to attend the proceedings in this case. In those circumstances, a prayer is made on her behalf to transfer the proceedings to Bangalore, where the earlier proceedings were held and for coming there both she and the respondent would have to travel from their respective home places.

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On hearing counsel for the parties, we are satisfied that the prayer made on behalf of the petitioner is reasonable. We accordingly set aside the order of the High Court and direct for the transfer of M.C. No.74 of 2004 from Family Court, Belgaum to the Family Court Bangalore.

Let the record of the case be transferred to the Family Court, Bangalore without any delay. It is expected that the record of this case will reach the Family Court, Bangalore within six weeks from the receipt/production of a copy of this order before the Belgaum Court.

This appeal is accordingly disposed of.

.....J.
(Aftab Alam)

.....J.
(Dr. B.S. Chauhan)

NEW DELHI
05TH FEBRUARY, 2010.