

ITEM NO.47

COURT NO.3
S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

SECTION XVIA

TRANSFER PETITION (CIVIL.) NO(s). 222 OF 2004

ANTARA PIJUSH DEBNATH

Petitioner(s)

VERSUS

PIJUSH DHIRENDRA DEBNATH

Respondent(s)

(With appln(s) for stay and office report)

WITH T.P.(C) NO. 802 of 2004

(With appln(s) for stay and office report)

Date: 12/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Ms. Eliza Rumthao, Adv.
Ms. Neeru Vaid, Adv.(SCLSC)

For Respondent(s) Mr. Rauf Rahim, Adv.

Mr. Abhijeet P. Medh, Adv.

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

Transfer Petitions are allowed in terms of the signed order.

(Parveen Kr. Chawla)
Court Master

(Kanwal Singh)
Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) No.222 OF 2004

Antara Pijush Debnath

..Petitioner

Versus

Pijush Dhirendra Debnath

..Respondent

WITH

Transfer Petition © No.802 of 2004

O R D E R

Petitioner-wife has moved these Transfer Petitions under Section 25 of

the Code of Civil Procedure for transfer of Suit Nos. 2/2003 titled Pijush

Dhirendra Debnath vs. Antara Pijush Debnath filed by the respondent-husband

under Section 13 of the Hindu Marriage Act, 1955 and Suit No. 1/2003 titled

Pijush Dhirendra Debnath vs. Antara Pijush Debnath filed by the respondent-

husband for damages of Rs. One lac against the petitioner-wife both pending

before the Civil Judge(Senior Division), Diu to the Court of District Judge,

Barasat, 24 Paraganas North, West Bengal.

After taking into consideration the averments made in the petitions and

counter affidavits and looking to the convenience of the petitioner-wife, we deem

it appropriate to transfer both the matters i.e. Suit Nos. 2/2003 titled Pijush

Dhirendra Debnath vs. Antara Pijush Debnath filed by the respondent-husband

under Section 13 of the Hindu Marriage Act, 1955 and Suit No. 1/2003 titled

Pijush Dhirendra Debnath vs. Antara Pijush Debnath filed by the respondent-

husband for damages of Rs. One lac against the petitioner-wife both pending

before the Civil Judge(Senior Division), Diu to the Court of District Judge,

Barasat, 24 Paraganas North, West Bengal.

The District Judge, Diu is directed to transmit the entire record related to the above-said cases forthwith to the District Judge, Barasat, 24 Paraganas North, West Bengal who on receipt of the same either hear them himself or may assign them to a court of competent jurisdiction.

The Transfer Petitions are allowed accordingly.

...J.

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[Ashok Bhan]

New Delhi;
.....J.

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September 12, 2005.

[P.P.Naolekar]