

T.P.(C) No. 200 OF 2003

ITEM No.40

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.200 of 2003

SHRUTI @ PREETI

Petitioner (s)

VERSUS

JITENDRA GAUR

Respondent (s)

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

Date : 01/09/2003 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. R.P. Gupta,Sr.Adv.  
Mr. Jamshed Bey,Adv.  
Mr. Parmanand Gaur,Adv.

For Respondent (s)Mr. K.P. Singh,Adv.

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

Heard the learned counsel for the parties for a while.

The transfer petition is allowed.

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. 200 OF 2003

Shruti @ Preeti ...Petitioner(s)

Versus

Jitendra Gaur                   ...Respondent(s)

O R D E R

This is a transfer petition by the wife seeking transfer of H.M.A. No. 88 of 2001, titled as Jitendra Gaur vs. Shruti @ Preeti, pending the court of the Additional District Judge, Faridabad, Haryana, to the Family Court at Gwalior on the grounds that four other cases between the parties are already pending at Gwalior and it would be just and convenient if this case is also transferred to the Family Court at Gwalior; the petitioner has got threat to her life if she goes to Faridabad; and she cannot travel alone from Gwalior to Faridabad and in case she is required to defend the case at Faridabad, then somebody has to accompany her which will result in lot of expenditure which the petitioner cannot afford. The learned counsel for the petitioner reiterated these grounds in the arguments.

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The learned counsel for the respondent submitted that the conduct of the petitioner is such that the transfer petition should not be allowed; and particularly in view of the fact that only five hours' time is required to travel from Gwalior to Faridabad.

In the light of the facts and circumstances of the case and particularly in view of the fact that four other cases are already pending at Gwalior, we think it is appropriate that the transfer petition shall be allowed. Accordingly, it is allowed and H.M.A. No. 88 of 2001, titled as Jitendra Gaur vs. Shruti @ Preeti, pending the court of the Additional District Judge, Faridabad, Haryana, shall stand transferred to the Family Court at Gwalior.

No costs.

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

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

New Delhi,  
September 01, 2003.