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T.P.(C) No. 202 OF 2003
ITEM No.43

Court No. 2

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.202/2003

SUREKHA NAGRATH

Petitioner (s)

VERSUS

AMIT NAGRATH

Respondent (s)

(With Appln(s). for stay)(With Office Report)

Date : 15/12/2003 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. Alok Bachawat, Adv.
Mr. L.P.Singh,adv.
Ms. Pratibha Jain,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed in terms of the signed order placed on the file. No order as to the costs.

The petitioner through her counsel is directed to appear before the Family Court at Indore, Madhya Pradesh on 19.1.2004.

(Ajay Kr. Jain)
(Radha R. Bhatia)

Court Master
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 202 OF 2003

Surekha Nagrath...Petitioner

Versus

Amit Nagrath...Respondent

O R D E R

The respondent-husband has filed a petition seeking decree of divorce under Section 13 (1)(ia) of the Hindu Marriage Act, 1955 read with Section 7 of the Family Courts Act, 1984 being M.J. Petition No. 124/2002 before the Family Court at Bandra, Mumbai. The wife-petitioner is residing at Indore, Madhya Pradesh. This is a petition filed by the petitioner-wife seeking transfer of the abovesaid proceedings from Mumbai to Indore, Madhya Pradesh. Service on the respondent was directed to be effected through the Trial Court. Respondent has been served by the Trial Court and a compliance report has been received in this Court.

Respondent though served has chosen not to appear.
Having heard learned counsel for the petitioner but without expressing any opinion on the allegations made in the transfer 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 Mumbai to Indore, Madhya Pradesh. Accordingly, the transfer petition is allowed. It is directed that M.J. Petition No. 124/2002 titled "Amit Nagrath Vs. Surekha Amit Nagrath" pending in the Family Court at Bandra, Mumbai shall stand transferred to the Family Court at Indore, Madhya Pradesh.
The Presiding Officer, Family Court at Bandra, Mumbai shall, soon on communication of this order, transfer the record of proceedings in M.J. Petition No. 124/2002 titled "Amit Nagrath Vs. Surekha Amit Nagrath" to the Family Court at Indore, Madhya Pradesh.
The petitioner through her counsel is directed to appear before the Family Court at Indore, Madhya Pradesh on 19.1.2004.
No order as to the costs.

.....J.

(R.C. Lahoti)

.....J.

(ASHOK BHAN)

New Delhi,
December 15, 2003