

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(s). 238 OF 2005

ARCHANA PRASAD

Petitioner(s)

VERSUS

MANISH MADHUKAR

Respondent(s)

(With appln(s) for stay)

Date: 19/09/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN
HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr. Ranjan Dwivedi, Adv.
Mr. R.S.Sharma, Adv.
Mr., Fieroze Ahmad, Adv.

For Respondent(s) Mr. M.L.Varma, Sr. Adv.

Mr. S. Chandra Shekhar, Adv.
Ms. Madhu sharan, Adv.
Mr.Amit Pawan, Adv.

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

The Transfer Petition is 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

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RANSFER PETITION(C) NO.238 OF 2005

ARCHANA PRASAD

..PETITIONER

VERSUS

O R D E R

Petitioner-wife has moved this petition under Section 25 of the Code of Civil Procedure for transfer of Matrimonial Suit No.30 of 2001 now Matrimonial Suit No. 3 of 2005 filed by the husband seeking divorce under Section 13 of the Hindu Marriage Act, 1955 pending in the Court of Additional District Judge, Gaya (Bihar) to the Court of District Judge, Delhi, inter alia, contending that she is residing with her parents and both the parents are sick and it is not possible for her to travel from Delhi to Gaya(Bihar).

Respondent-husband in his counter affidavit has objected to the transfer of the case, inter alia, contending that father of the petitioner is a high ranking police officer working in the Intelligence Bureau, Ministry of Home Affairs and therefore he apprehends danger to his life or some bodily injury if this case is transferred to Delhi. It is further contended that all his witnesses are living at Gaya and even it may not be possible for them to travel all the way to Delhi to give evidence.

After hearing counsel for the parties and looking to their convenience, we deem it appropriate to transfer Matrimonial Suit No.30 of 2001 now Matrimonial Suit No. 3 of 2005 filed by the husband seeking divorce under Section 13 of the Hindu Marriage Act, 1955 pending in the Court of Additional District Judge, Gaya (Bihar) to the Court of District Judge, Incharge,

Karkardooma Court, Delhi.

The District Judge, Gaya(Bihar) is directed to transmit the entire record related to the above-said case forthwith to the District Judge, Incharge, Karkardooma Court, Delhi who on receipt of the same may either hear it himself or assign it to another court of competent jurisdiction. Trial Court is requested to record the evidence of the witnesses of the petitioner in the shortest possible time and if possible within three consecutive dates. In order to allay the fear of the respondent regarding bodily injury and danger to life, it is made clear that if any untoward incident takes place then it would be open to the respondent to move an application for re-transfer of the case from Delhi to any other place.

The Transfer Petition is allowed in the above terms.

J.

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[Ashok Bhan]

New Delhi;
....J.

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[Altamas Kabir]

September 19, 2005.