

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). 117 OF 2006

VINOD GUPTA & ANR.

Petitioner(s)

VERSUS

ANITA GUPTA & ANR.

Respondent(s)

(With appln(s) for ad-interim ex-parte stay and permission to
file rejoinder affidavit and office report)

Date: 22/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE ALTAMAS KABIR

For Petitioner(s)

Mr.Pramit Saxena, Adv.

Mr. S.V. Deshpande,Adv.

For Respondent(s)

Mr. Ravindra Shrivastava, Sr. adv.

Ms. Vibha Datta Makhija,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.

No order as to the costs.

(Ajay Kr. Jain)
(Vijay Dhawan)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C.) NO. 117 OF 2006

Vinod Gupta & Anr.
.... Petitioner

Versus

Anita Gupta & Anr.
.... Respondent

O R D E R

We have heard counsel for the parties.

The petitioners before us are said to be the adoptive parents of respondent No. 1. While

respondent No. 1 claims to be their adopted daughter, the petitioners have denied her claim. A civil suit has

been filed which is pending before the District Judge, Bhopal. The plaint in the said suit is not before us but it

is submitted by the counsel for respondent No. 1 that in the said suit a declaration has been claimed that

respondent No. 1 is the adopted daughter of the petitioners. A grievance has been made that the petitioners

have sold the house property in which the respondent No. 1 is residing. She claims that she has a share in the

property and that the petitioners be restrained by an order of injunction from evicting the respondent No. 1

from the premises which she is presently occupying.

The petitioners on the other hand have denied the claim and contended that they are old

persons, and one of them, namely, petitioner No.1, has recently undergone a heart surgery and is not in a

position to travel to Bhopal to defend the suit.

...2/-

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We have considered all aspects of the matter and having regard to the facts of the case, we are

of the view that this is a fit case where the transfer petition ought to be allowed. Accordingly, we allow the

transfer petition.

Case No. RCS/66-A of 2005 titled as "Anita Gupta Vs. Vinod Gupta and Others" pending in

the Court of District Judge, Bhopal is directed to be transferred to the Court of District Judge Bulandshahr,

(U.P.).

The District Judge, Bhopal shall soon on communication of this order transfer the record of

Case No. RCS/66-A of 2005 titled as "Anita Gupta Vs. Vinod Gupta and Others" to the District Judge,

Bulandshahr, (U.P.) who may try and dispose of the case himself or assign the same to a court of competent

jurisdiction.

The transfer petition is allowed. No order as to the costs.

.....J.

(B.P. SINGH)

.....J.

(ALTAMAS KABIR)

New Delhi,

September 22, 2006