

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). 293 OF 2013

EKTA KUMARI Petitioner(s)

VERSUS

PRABHANJAN KUMAR CHAUDHARY Respondent(s)

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

Date: 30/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s)

Mr. Ardhendumauli Kumar Prasad, Adv.  
Mr. Nirmal Kumar Ambastha, Adv.  
Mr. Ariral Shukla, Adv.

For Respondent(s)

Mr. Praveen Agrawal, 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.

(Sukhbir Paul Kaur)  
Court Master

(Indu Bala Kapur)  
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 293 OF 2013

| EKTA KUMARI

| Appellant(s) |

Versus

| PRABHANJAN KUMAR CHAUDHARY

| Respondent(s) |

O R D E R

This is a petition filed by the wife seeking transfer of H.M.A. No. 478 of 2012 titled as Prabhanjan Kumar Chaudhary versus Ekta Kumari filed by the respondent herein seeking dissolution of marriage under Sections 13(1)(i-a) and 13(1)(i-b) of the Hindu Marriage Act pending before the Judge - I, Family Court, Saket, New Delhi to the Court of Principal Judge, Family Court, Ranchi, Jharkhand.

Having heard learned counsel for the petitioner, we are satisfied that the prayer has to be allowed.

However, learned counsel for the respondent has controverted the claim made in the petition by disputing the fact that the petitioner is not the resident of Ranchi and still she is wanting transfer to the Family Court, Ranchi. The second objection taken by the learned counsel for the respondent is that the Principle of relative hardship

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would enable this Court to reject the claim made by the petitioner-wife. The respondent claims that for attending the Court at Ranchi he will have to seek leave at various intervals for a period of 2-3 days at a time. This leave may not be permitted by the AIIMS, as the respondent is a resident doctor.

Having considered the entire matter, we are not inclined to accept the submissions made by learned counsel for the respondent. The only objection of substance is with regard to obtaining leave from AIIMS for attending the Court at Ranchi. We are confident that the administration of AIIMS would not reject the leave application as and when made by the respondent for the purpose of attending the Court. The respondent quite candidly admits that the wife is not employed and therefore, she would not be able to afford the expenses for attending the Court in Delhi. He has, therefore, offered to compensate the petitioner for travel to Delhi.

We are of the considered opinion that in the facts and circumstances of the case, the petition deserves to be allowed. Consequently, H.M.A. No. 478 of 2012 titled as Prabhanjan Kumar Chaudhary versus Ekta Kumari is directed to be transferred to the

Principal Judge, Family Court, Ranchi, Jharkhand.  
The Transfer Petition is, accordingly, allowed.

.....J.  
(Surinder Singh Nijjar)

.....J.  
(Fakkir Mohamed Ibrahim Kalifulla)

New Delhi,  
August 30, 2013