

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO. 215 OF 2009

KANCHAN Petitioner

VERSUS

GOPAL CHHAPERWAL Respondent

WITH

TRANSFER PETITION (CIVIL) NO.190 of 2009

GOPAL CHHAPERWAL Petitioner

VERSUS

KANCHAN CHHAPERWAL Respondent

O R D E R

T.P.(C)No.215 of 2009:

In this petition, the petitioner prays for transfer of Marriage Petition No.45A of 2008 filed by the respondent under Section 13(i-a) and (i-b) of the Hindu Marriage Act, 1955.

The petitioner has cited financial incapacity and her inability to travel 2400 k.m. with her minor child from Coimbatore to Burhanpur as the grounds for transfer of the case pending in the Court of Additional District Judge, Burhanpur (Madhya Pradesh).

We have heard learned counsel for the parties and perused the record. In our view, it will be in the interest of justice if Marriage Petition No.45A of 2008 titled Gopal Chhaperwal versus Kanchan pending in the Court of Additional District Judge, Burhanpur (State of Madhya

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Pradesh) is transferred to the Family Court, Coimbatore, Tamil Nadu. Ordered accordingly.

Contd...2/-

T.P.(C) NO.190 of 2009:

In view of the above order passed in T.P.(C) No.215 of 2009, the transfer petition filed by the husband, seeking transfer of H.M.O.P. No.4 of 2009, which is pending before Family Court, Coimbatore, is dismissed.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

APRIL 9, 2010.

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ITEM NO.43 COURT NO.10 SECTION XVIA

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). 215 OF 2009

KANCHAN Petitioner(s)

VERSUS

GOPAL CHHAPERWAL Respondent(s)

(With office report)

WITH

T.P.(C) NO. 190 of 2009

(With appln.(s) for stay and permission to file additional documents
and exemption from filing O.T. and office report)

Date: 09/04/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Shivaji M. Jadhav, Adv.
(For petitioner in TP No.215/09 and
for respondent in TP No.190/09)

For Respondent(s) Ms. Pragati Neekhara, Adv.
Mr. Suryanaryan Singh, Adv.
Mr. Karan D., Adv.
(For respondent in TP No.215/09 and
for petitioner in TP No.190/09)

UPON hearing counsel the Court made the following

O R D E R

T.P.(C)No.215 of 2009:

We have heard learned counsel for the parties and perused the record. In our view, it will be in the interest of justice if Marriage Petition No.45A of 2008 titled Gopal Chhaperwal versus Kanchan pending in the Court of Additional District Judge, Burhanpur (State of Madhya Pradesh) is transferred to the Family Court, Coimbatore, Tamil Nadu. Ordered accordingly.

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T.P.(C) NO.190 of 2009:

In view of the above order passed in T.P.(C) No.215 of 2009, the transfer petition filed by the husband, seeking transfer of H.M.O.P. No.4 of 2009, which is pending before Family Court, Coimbatore, is dismissed.

(A.D. Sharma) (Phoolan Wati Arora)
Court Master Court Master
(Signed Order is placed on the file)