

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.136 OF 2006

DEEPAK JAIN

.....PETITIONER(S)

VERSUS

ARCHANA JAIN

.....RESPONDENT(S)

O R D E R

Heard learned counsel appearing on behalf of both sides.

The husband is the petitioner before us. He filed this petition for transfer of

Divorce Petition No.H.M.P.No.62/2006 titled Archana vs. Deepak Jain pending before

the Civil Judge, Vadodra to the Court of Civil Judge, Delhi. According to the learned

counsel for the petitioner, the marriage took place at Delhi and the matrimonial house

is also situated at Delhi. Therefore, the petition filed by the wife at Vadodra shall be

transferred to Delhi. It is also stated that since the respondent's father is the

Commissioner of Income Tax at Vadodra, he may try to exercise influence and,

therefore, that is also yet another ground on which petition has to be transferred to

Delhi.

We are unable to countenance the said submission. Admittedly,  
the wife is

living with her father and the petition for divorce has already been filed in the court of

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Civil Judge, Vadodra. This apart, the respondent-wife has also filed a  
petition for

maintenance against the petitioner herein. Since both the matters are pending before

the jurisdiction of the same court, there is no ground for transfer of Divorce Petition

from Vadodra to Delhi. The Transfer Petition is accordingly dismissed.

It is stated by the learned counsel for the petitioner that negotiation between  
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the parties are going on. If that is so, the parties are at liberty to pursue the same.

.....J

( Dr. AR. LAKSHMANAN )

.....J

( TARUN CHATTERJEE )

NEW DELHI;

AUGUST 28, 2006.

ITEM NO.44

COURT NO.9

SECTION XVIA

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 136 OF 2006

DEEPAK JAIN

Petitioner(s)

VERSUS

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ARCHANA JAIN

Respondent(s)

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

Date: 28/08/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE Dr. JUSTICE AR. LAKSHMANAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Dr.Surat Singh, Adv.

Mr. Ashok K. Mahajan,Adv.

Mr.Jagdev Singh, Adv.

For Respondent(s)

Mr.Uday U.Lalit, Sr.Adv.

Ms. Shirin Khajuria,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petition is dismissed in terms of the signed order.

( Satish K. Yadav )

Court Master

( Phoolan Wati Arora )

Court Master

( Signed order is placed on the file )