

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 229 OF 2012

ANJALI ARYA Petitioner(s)

VERSUS

RAJESH KUMAR Respondent(s)

O R D E R

This is wife's petition seeking transfer of matrimonial case being H.M.A. Petition No. 1147 of 2011 titled "Rajesh Kumar Vs. Anjali Arya" from the Court of Additional District Judge, East District, Karkardooma Courts, Delhi to a Court of competent jurisdiction at Ram Nagar, Uttarakhand.

2. Notice of the transfer petition was issued to the respondent. As per Office Report dated 27th day of November, 2012, service report has been received from the Trial Court stating therein that show cause notice has been served through respondent's counsel in the Trial Court and thus Office has treated this as service on the respondent. Despite service, respondent has not chosen to appear.

3. Thus averments made in the transfer petition remain undenied and untraversed.

4. Having regard to the fact that the petitioner-wife resides at Ram Nagar, Nainital, Uttarakhand, we are satisfied that in case the proceedings in the above matrimonial case are allowed to be continued at Karkardooma Courts, Delhi greater hardship shall be caused to her.

5. Accordingly, we allow the transfer petition and transfer matrimonial case being H.M.A. Petition No. 1147 of 2011 titled "Rajesh Kumar Vs. Anjali Arya" from the Court of Additional District Judge, East District, Karkardooma Courts, Delhi to the Principal District Judge, Nainital, Uttarakhand. It will be open to the Principal District Judge, Nainital, Uttarakhand to transfer the above matrimonial case for disposal to any other competent court within his jurisdiction. The transferrer court shall transmit the record and proceedings of the above transferred case to the transferee court without any delay. No costs.

.....J.
(R.M. LODHA)

NEW DELHI;J.
NOVEMBER 30, 2012 (ANIL R. DAVE)

ITEM NO.45

COURT NO.6

SECTION XVIA

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 229 OF 2012

ANJALI ARYA

Petitioner(s)

VERSUS

RAJESH KUMAR

Respondent(s)

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

Date: 30/11/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Ms. Binu Tamta, Adv.
Mr. Dhruv Tamta, Adv.

For Respondent(s)

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

Transfer petition is allowed in terms of the signed order.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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(signed order is placed on the file)