

T.P.(C) No. 230 OF 2003

ITEM No.45

Court No.10

SECTION XVIA
A/N MATTER

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.230 of 2003

KAMLAWATI @ KAMLA DEVI

Petitioner (s)

VERSUS

UDHAL SINGH

Respondent (s)

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

Date : 04/08/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. P.S. Sharma,Adv.
Mr. Debasis Misra,Adv.

For Respondent (s)

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

Heard learned counsel for the petitioner for a while.

The transfer petition is allowed.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 230 OF 2003

Kamlawati @ Kamla Devi ..Petitioner(s)

Versus

Udhal Singh ...Respondent(s)

O R D E R

There is no representation on behalf of the respondent. Although notice had been sent to the respondent, the postal envelope is returned as "refused" by the respondent. In this view of the matter, service on the respondent is to be taken as complete.

This petition is filed by the wife seeking transfer of H.M.P. No. 61 of 2003, titled as Udhal Singh vs. Kamlawati, pending before the Family Court at Agra, Uttar Pradesh to the court at Delhi.

The petitioner contends that she has no source of income and she is solely dependent upon her ailing father, who is presently aged 76 years, maintaining seven members of his family; she has not received any maintenance from the respondent-husband so far; and the petition is filed in the Family Court at Agra, Uttar Pradesh only to harass the petitioner.

...2/-

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Having regard to the averments made in the petition, we are of the view that it is a fit case where the transfer, as sought for, should be allowed. Hence, H.M.P. No. 61 of 2003, titled as Udhal Singh vs. Kamlawati, pending before the Family Court at Agra, Uttar Pradesh is transferred to the court of District Judge, Delhi, who shall try the case himself or assign it to a court of competent jurisdiction.

The transfer petition is, accordingly, allowed.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
August 04, 2003.