

ITEM NO.46

COURT NO.3

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CIVIL) NO.251 OF 2011

PRITI GUPTA

Petitioner(s)

VERSUS

DIPAK KR.GUPTA

Respondent(s)

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

Date: 05/09/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIKFor Petitioner(s) Mr. Anshul Narayan,Adv.
Mr. Prem Prakash,Adv.For Respondent(s) Mr. Akhilesh Kumar Pandey,Adv.
Mr. Sudhanshu Saran,Adv.
Mrs. S. Chandran,Adv.
Mrs. Swati Chandra,Adv.

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

In terms of the signed order, the Transfer
Petition is allowed and Misc. Case No. (G)No.134/2010
pending before the Court of Principal Judge, Family
Court, Kamrup at Guwahati is ordered to be transferred to
the Family Court, Patna, Bihar.

(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.251 OF 2011

PRITI GUPTA

..Petitioner

VERSUS

DIPAK KR.GUPTA

..Respondent

O R D E R

This petition is filed by the wife seeking transfer of
case (Misc. Case No. (G)No.134/2010) filed under Section 12 of
the Guardianship and Ward Act, 1890, filed by the husband, for
the temporary custody of his son. The petitioner alleges that
it will be highly inconvenient for the petitioner as well as
her small son to travel a long distance from Patna(Bihar) to
Kamrup, Guwahati to attend the court proceedings; that the
petition filed by the respondent-husband for Restitution of

Conjugal Rights has also been transferred by this Court from Kamrup at Guwahati to the Family Court, Patna, Bihar and the respondent is attending Court at Patna to contest that petition; and that the petitioner apprehends threat to her life at Kamrup, Guwahati.

2. Respondent has strongly opposed the transfer petition. On the facts and circumstances, we consider this a fit case for transfer.

3. Accordingly, the Transfer Petition is allowed and Misc. Case No. (G)No.134/2010 pending before the Court of Principal Judge, Family Court, Kamrup at Guwahati is ordered to be transferred to the Family Court, Patna, Bihar.

4. Having regard to the fact that the matter relates to the custody of child and the fact that the respondent will have to have travel from Guwahati to Patna to attend the hearings, we request the transferee court to dispose of the matter expeditiously.

.....J.
[R.V. RAVEENDRAN]