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T.P.(C) No. 254 OF 2001

ITEM No.40

Court No. 1

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.254/2001@@
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KAKALI MUKHERJEE Petitioner (s)

VERSUS

DEBASHISH MUKHERJEE Respondent (s)
(With Appln(s). for stay)

Date : 13/08/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI

For Petitioner (s) Mr. Parthapratin Chaudhary, adv.
Mr. K.S. Rana, adv.

For Respondent (s)

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The transfer petition is allowed in terms of
the signed order. No costs.

.SP1

(Kanchan Jain) (Prem Prakash)
AR-cum-PS Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 254 OF 2001@@
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Kakali MukherjeePetitioner

VS.

O R D E R@@
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.....L.....I.....T.....T.....T.....T.....T.....T....J
.SP2

This is a petition filed by the wife seeking transfer of a divorce petition filed before the Principal Judge, Family Court Kamrup, Guwahati (Assam) by the respondent being F.C. (Civil) No. 47 of 2000 (Debasish Mukherjee Vs. Kakali Mukherjee). The respondent has sent a counter by post. After stating that the petitioner lived with him at Rest Camp, Guwahati before she left for Burdwan in April, 1999 the respondent goes on to say that since his widowed mother is living with him, suffering from acute arthritis, hypertension besides asthma and he is looking after her at Guwahati, it is not convenient for him to attend Court proceedings at Burdwan. The respondent has not controverted any other allegations made in the petition including averments made in paragraph 7 where the petitioner states that she has no independent income of her own and she is solely dependent on her retired father. She has asserted ...2/-

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that she has no financial resources to go and defend herself at Guwahati. There is no denial also of grounds (A), (B) and (C) of paragraph 9.

Keeping in view the aforesaid position, it appears appropriate to us to allow this petition. We, accordingly, withdraw Divorce Petition filed under Section 13 of Hindu Marriage Act from the Court of Principal Judge, Family Court Kamrup, Guwahati (Assam) being F.C. (Civil) No. 47 of 2000 (Debasish Mukherjee Vs. Kakali Mukherjee) and transfer the same for its disposal in accordance with law to the learned District Judge, Burdwan, West Bengal, who may either try the petition himself or assign it to any other court of competent jurisdiction under him.

The learned Principal Judge, Family Court Kamrup, Guwahati (Assam) shall send record of the case to the transferee Court without any delay.

The transferee court shall issue notice to the parties and dispose of the petition expeditiously.

The transfer petition is allowed. No costs.

.SP1

.....CJI

.....J.
(R. C. LAHOTI)

New Delhi
August 13, 2001.