

ú

T.P.(C) No. 189 OF 2003

ITEM No.45

Court No. 9

SECTION XVIA
A/N MATTER

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.189 of 2003

REKHA KHADIA

Petitioner (s)

VERSUS

ASHOK KUMAR KHADIA & ANR.

Respondent (s)

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

With Transfer Petition (Crl.) No.248 of 2003
(With appln(s). for stay and office report)

Date : 05/04/2004 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s)Mr. S. Vallinayagam,Adv.
In TP 189/2003:Mr. R. Nedumaran,Adv.

In TP 248/2003:Mr. Shambhu Prasad Singh,Adv.
Ms. Manjula Gupta,Adv.

For Respondent (s)Mr. Shambhu Prasad Singh,Adv.
In TP 189/2003:Ms. Manjula Gupta,Adv.

In TP 248/2003:Mr. S. Vallinayagam,Adv.
Mr. R. Nedumaran,Adv.

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

Heard the learned counsel for the parties for a while.

Transfer Petition (C) No. 189 of 2003 is ordered.

Transfer Petition (Crl.) No. 248 of 2003 is dismissed.

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. 189 OF 2003

Rekha Khadia ...Petitioner(s)

Versus

Ashok Kumar Khadia & Anr. ...Respondent(s)

With Transfer Petition (Crl.) No. 248 of 2003

O R D E R

Heard the learned counsel for the parties.

Transfer Petition (C) No. 189 of 2003 is filed by the wife seeking transfer of O.S. No. 2965 of 1997, titled as Ashok Kumar Khadia vs. Rekha Bhaskar & Anr., pending before the court of District Munsif-cum-Judicial Magistrate, Alandoor, Chennai, to the court of competent jurisdiction at Alwar, Rajasthan. Transfer Petition (Crl.) No. 248 of 2003 is filed by the husband seeking transfer of Case No. 344 of 1997, titled as State vs. Ashok Kumar Khadia, pending before the court of Civil Judge and Judicial Magistrate No.II, Alwar, Rajasthan, to the court of competent jurisdiction at Alandoor, Chennai.

In Transfer Petition (C) No. 189 of 2003, the wife seeks transfer of O.S. No.2965 of 1997 on the ground that she has difficulty in going to Chennai to give her evidence

..2/-

- 2 -

and to take the witnesses to Chennai. Apart from the travelling difficulties, there will be other difficulties for her, as stated in the petition. The husband is working as a Pilot in Indian Airlines. He also hails from Rajasthan. The learned counsel for the wife, in his arguments, reiterated the grounds raised in the transfer petition filed by the wife.

The learned counsel for the husband submitted that in O.S. No. 2965 of 1997, filed at Chennai, the evidence of the plaintiff, i.e., the husband's side, is over and only the wife and her witnesses have to be examined and at this stage, it may not be appropriate to transfer O.S. No. 2965 of 1997 to the court at Alwar, Rajasthan. Alternatively, the learned counsel submitted that the case may be transferred to either Delhi or Jaipur.

Having regard to the facts and circumstances of the case, we think it is just and appropriate to transfer O.S. No. 2965 of 1997, titled as Ashok Kumar Khadia vs. Rekha Bhaskar & Anr., pending before the court of District Munsif-cum-Judicial Magistrate, Alandoor, Chennai, to the court of Civil Judge and Judicial Magistrate No.II, Alwar, Rajasthan. We order accordingly.

In the light of the order passed in Transfer Petition (C) No. 189 of 2003, we dismiss Transfer Petition (Crl.) No. 248 of 2003.

No costs.

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

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

New Delhi,
April 05, 2004.