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T.P.(C) No. 296 OF 2004

ITEM No.15

Court No. 6

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.296/2004

SHEELA @ ANUPAMA MAHESH KHOLE

Petitioner (s)

VERSUS

MAHESH SURESH KHOLE

Respondent (s)

(With Appln(s). for stay and Office Report)

Date : 09/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s)Mr. Girish Ananthamurthy, Adv.
for Mr. P.P. Singh,Adv.

For Respondent (s)

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

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

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.296 OF 2004

SHEELA @ ANUPAMA MAHESH KHOLE ... PETITIONER

VERSUS

MAHESH SURESH KHOLE ... RESPONDENT

O R D E R

This petition, seeking transfer of P.A.No.819/2003 titled as Mahesh Suresh Khole vs. Sheela @ Anupama Mahesh Khole from Family Court at Pune to the Family Court at Mysore, is filed by the wife contending that she is a student studying at Mysore and it is difficult for her to travel from Mysore to Pune to attend the case filed against her by the respondent-husband. The petitioner has also stated in her petition that the respondent is running two restaurants at Pune and is financially sound.

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Despite service of notice of this petition, the respondent is not represented. However, he has sent objections to this petition by post with a request to consider them, pleading that financially he is not sound and he is not running any restaurant.

The learned counsel for the petitioner states that the petitioner has filed a petition for restitution of conjugal rights at Mysore in M.C.No. 220/2003, which is still pending adjudication. It is thereafter the respondent has filed a petition at Pune seeking divorce.

Having regard to the facts and circumstances of the case, we think it is just and appropriate to order transfer of P.A.No.819/2003 titled as Mahesh Suresh Khole vs. Sheela @ Anupama Mahesh Khole from Family Court at Pune to the Family Court at Mysore.

The transfer petition is, accordingly, allowed. No costs.

.....J.

[SHIVARAJ V. PATIL

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.....J.

[B.N. SRIKRISHNA]

New Delhi,
August 9, 2004.