

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.359 OF 2004

ROOPALI SAXENA

Petitioner(s)

VERSUS

AMIT SAXENA

Respondent(s)

(With appln(s) for stay)

Date: 25/10/2004 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)

Ms. Rita Upadhyay,Adv.

Ms. Anita Pandey,Adv.

Mr. Vishnu Sharma,Adv.

For Respondent(s)

Ms. Sandhya Goswami,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard the learned counsel for the parties for a while.

The transfer petition is allowed.

No costs.

[T.I. Rajput]

Court Master

[Shelly Sengupta]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [C] NO.359 OF 2004

Roopali Saxena

...Petitioner(s)

Versus

Amit Saxena

...Respondent(s)

O R D E R

This petition is filed by the wife seeking transfer of Divorce
e Petition

No.202 of 2003, titled as Amit Saxena vs. Roopali Saxena, pending before the Family

Court, Indore, Madhya Pradesh, to the Family Court at Jhansi, Uttar Pradesh, on

the grounds that she has no source of income; it is difficult for her to travel from

Jhansi to Indore; and she has not been even paid maintenance by the respondent. In

addition to this, the respondent has filed the case just to harass the petitioner.

This petition is opposed by the respondent contending that he may not be treated well by the court at Jhansi and that he may not get justice because certain officials working in different departments at Jhansi may come in the way of getting justice to him.

...2/-

- 2 -

We do not find any substance in the grounds urged in opposition by the respondent. Having regard to the facts and circumstances of the case and taking note of the fact that the petitioner-wife has no source of income and even maintenance is not paid to her by the respondent, we think it is just and appropriate to allow this transfer petition. Accordingly, the transfer petition is allowed and Divorce Petition No.202 of 2003, titled as Amit Saxena vs. Roopali Saxena, pending before the Family Court, Indore, Madhya Pradesh, shall stand transferred to the Family Court at Jhansi, Uttar Pradesh.

No costs.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[B.N. SRIKRISHNA]

New Delhi,

October 25, 2004.