

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 282-283 OF 2012

SHWETA SHARMA

Petitioner(s)

VERSUS

ANKAJ SHARMA

Respondent(s)

O R D E R

These are wife's petitions seeking transfer of matrimonial case being R.S. No. 839 of 2011 and Miscellaneous Case No. 42 of 2011 for custody of child both pending before the Principal Judge, Family Court, Lucknow, Uttar Pradesh to the Principal Judge, Family Court, Saket, New Delhi.

2. The notice of the transfer petitions has been served on the respondent and, in opposition to the transfer petitions, counter affidavit has been filed by him. The petitioner has filed rejoinder affidavit.

3. We are informed by the learned counsel for the petitioner-wife that the Family Court, Lucknow, Uttar Pradesh has passed an order in the matrimonial case (R.S. No. 839 of 2011) to proceed ex parte against the wife. He, however, submits that not much progress has taken place in the matrimonial case.

4. Having regard to the fact that the petitioner-wife resides in New Delhi, we are satisfied that greater hardship shall be caused to her if the proceedings in the above mentioned cases are allowed to be continued at Lucknow, particularly when the wife intends to contest the matrimonial case from the present stage.

5. We, accordingly, allow the transfer petitions and transfer Matrimonial Case being R.S. No. 839 of 2011 and Miscellaneous Case No. 42 of 2011 both titled "Ankaj Sharma Vs. Shweta Sharma" from the Principal Judge, Family Court, Lucknow, Uttar Pradesh to the Principal Judge, Family Court, Saket, New Delhi. The transferor court shall transmit the record and proceedings of the above mentioned transferred cases to the transferee court without any delay.

6. We clarify that the petitioner-wife shall be entitled to participate in the Matrimonial Case (R.S. No. 839 of 2011) only from the present stage of proceedings. This order of transfer of the Matrimonial Case shall not be construed to mean that the ex parte order has been set aside.

7. No costs.

.....J.  
( R.M. LODHA )

NEW DELHI;  
SEPTEMBER 21, 2012

.....J.  
( ANIL R. DAVE )

ITEM NO.54

COURT NO.7

SECTION XVIA

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(s). 282-283 OF 2012

SHWETA SHARMA

Petitioner(s)

VERSUS

ANKAJ SHARMA

Respondent(s)

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

Date: 21/09/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. Puneet Taneja, Adv.

Ms. Saila Arora, Adv.

For Respondent(s)

Mr. Shivaji M. Jadhav, Adv.

UPON hearing counsel the Court made the following

O R D E R

Transfer Petitions are allowed in terms of the signed order.

|(Rajesh Dham)  
|Court Master

| |(Renu Diwan)  
| |Court Master

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(signed order is placed on the file)