

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).9244-9245/2005

(From the judgment and order dated 19/02/2004 and 27.5.2004 in SBCTP No. 20/2001 & SBCRA No. 2096/2004 of The HIGH COURT OF RAJASTHAN AT JODHPUR)

SANJEEV KANWAR

Petitioner(s)

VERSUS

SANJAY SINGH

Respondent(s)

(With appln(s) for c/delay in filing SLP and prayer for interim relief and office report)

Date: 30/01/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE A.K. MATHUR

For Petitioner(s)

Mr. Sunil Kumar Jain,Adv. (SCLSC)

For Respondent(s)

Mr. Ranjit Sharma, Adv.

Mr. Debasis Misra,Adv.

UPON hearing counsel the Court made the following

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

The appeal is allowed, impugned orders are set aside and Case No.

62 of 2001, titled Sanjay Singh Vs. Sanjeev Kanwar, pending in the Family Court, Jodhpur is transferred to the Family Court, Bikaner.

[ Charanjeet Kaur ]

[ Radha R. Bhatia

Court Master

Court Master

[ Signed order is placed on the file ]

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 869 OF 2006

(Arising of SLP(C) NOS. 9244-9245/2005 )

Sanjeev Kanwar .. Appellant(s)

Versus

Sanjay Singh .. Respondent(s)

O R D E R

Heard learned counsel for the parties.

Delay condoned.

Leave granted.

The appellant filed a petition before the High Court for transfer of Case No. 62 of 2001 titled Sanjay Singh Vs. Sanjeev Kanwar, pending in the Family Court, Jodhpur to Family Court, Bikaner. The said petition was dismissed for non-prosecution.

Thereafter, petition for restoration was filed which was dismissed by

the impugned order. In the facts and circumstances of the case, we

are of the view that the High Court was not justified in refusing to

restore the transfer petition. After restoring the transfer petition, we

would have directed the High Court to dispose of the transfer petition, but in the facts and circumstances of the case, instead of adopting that

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procedure, we have ourselves gone into the merits of the matter and feel that it is a fit case for transfer.

Accordingly, the appeal is allowed, impugned orders are set aside and Case No. 62 of 2001, titled Sanjay Singh Vs. Sanjeev Kanwar, pending in the Family Court, Jodhpur is transferred to the Family Court, Bikaner.

.....J  
[ B.N. AGRAWAL ]

.....J  
[ A.K. MATHUR ]

NEW DELHI,  
JANUARY 30, 2006.