

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 823 OF 2012

NUSRAT JAHAN & ORS. Petitioner(s)

VERSUS

ABDUL WAHID @ CHAND Respondent(s)

O R D E R

This Transfer Petition is filed by the wife and her family members seeking transfer of matrimonial case being Suit No. 172 of 2011 titled "Abdul Wahid @ Chand Vs. Nusrat Jahan & Ors." from the Court of Senior Civil Judge (North East District), Karkardooma Court, Delhi to the Court of Civil Judge, (J.D.), Chandpur, Bijnor, Uttar Pradesh.

2. Notice of the Transfer Petition has been served on the respondent. On November 22, 2012 Mr. Rajeev K. Dubey, learned counsel, appeared for the respondent and prayed for time for filing counter affidavit. However, no counter affidavit has been filed by the respondent. On subsequent dates, respondent's counsel has not appeared. Today also nobody appears for the respondent. Thus, the facts stated in the Transfer Petition remain untraversed and undenied.

3. We have perused the averments made in the Transfer Petition and, having regard to them, we are satisfied that greater hardship shall be caused to the petitioner-wife in case the proceedings in the above matrimonial case are allowed to be continued at Delhi.

4. We, accordingly, allow the Transfer Petition and transfer matrimonial case being Suit No. 172 of 2011 titled "Abdul Wahid @ Chand Vs. Nusrat Jahan & Ors." from the Court of Senior Civil Judge (North East District), Karkardooma Court, Delhi to the Court of Civil Judge, (J.D.), Chandpur, Bijnor, Uttar Pradesh. The transferrer court shall transmit the record and proceedings of the transferred matrimonial case to the transferee court without any delay.

5. No costs.

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

NEW DELHI;J.
JANUARY 24, 2013 (J. CHELAMESWAR)

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

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

Date: 24/01/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Raj Kumar, Adv.
Mr Lalit Kumar, Adv.

For Respondent(s) Mr. Kamlendra Mishra, Adv. (NOT PRESENT)

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

Transfer Petition is 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)