

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.422 OF 2012

REKHA ...Petitioner(s)

VERSUS

PRAMOD TIWARI ...Respondent(s)

O R D E R

In this petition filed under Section 25 of the Code of Civil Procedure, the petitioner has prayed for transfer of O.S.No.375 of 2011 pending in the Civil Court at Pratapgarh within the State of Uttar Pradesh to a Court of competent jurisdiction at Chandigarh.

The aforesaid prayer of the petitioner is founded on her assertion that due to financial incapacity and other handicaps, she is not in a position to contest the case instituted by the husband at Pratapgarh.

Notice of the transfer petition has been served upon the respondent but neither he nor any one else has appeared on his behalf and no counter has been filed to controvert the averments contained in the transfer petition.

We have heard learned counsel for the petitioner and perused the record.

In our opinion, the petitioner has succeeded in making out a case for transfer of the suit filed by the respondent.

The transfer petition is accordingly allowed and O.S.No.375 of 2011 titled Pramod Tiwari vs. Rekha pending in the Civil Court at Pratapgarh within the State of Uttar Pradesh is transferred to the Family Court at Chandigarh for being decided in accordance with law.

.....J.
(G.S. SINGHVI)

.....J.
(SUDHANSU JYOTI MUKHOPADHAYA)

NEW DELHI,
AUGUST 2, 2013.

ITEM NO.42

COURT NO.2

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). 422 OF 2012

REKHA

Petitioner(s)

VERSUS

PRAMOD TIWARI

Respondent(s)

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

Date: 02/08/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s) Mr.Ram Naresh Yadav, Adv.
Dr. Kailash Chand, A.O.R.

For Respondent(s)

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

The transfer petition is allowed in terms of the signed order.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)