

! IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 346 OF 2009

DIPTI KUMARI

Petitioner(s)

VERSUS

SANJAY KUMAR

Respondent(s)

O R D E R

This case has been listed in view of Office Report dated 22.4.2010 in which it has been pointed out that the number of case mentioned in order dated 30.11.2009 is not correct.

We have gone through the office report and the record of the case and find that by mistake the number of petition mentioned in order dated 30.11.2009 has been recorded as Petition No.181 of 2005 whereas the correct number is Case No.9 of 2008. Hence, order dated 30.11.2009 is recalled and the following revised order is passed:

"1. This is a petition for transfer of Case No.9 of 2008 titled Dipti versus Sanjay Kumar pending in Family Court, Udham Singh Nagar, Uttarakhand to Family Court, Hazipur, Bihar.

2. The petitioner, who is a resident of Hazipur, District Vaishali, within the State of Bihar, has sought transfer of Case No.9 of 2008 on the grounds that she is illiterate and cannot travel alone to Udham Singh Nagar and that her father who is about 70 years old and is suffering from various ailments cannot accompany her. She has also expressed apprehension of physical harm at the hands of the respondent-husband on her visit to Udham Singh Nagar, Uttarakhand.

3. Although the respondent has been duly served, he has neither appeared in person or through an advocate nor he has filed counter-affidavit to controvert the assertions contained in the petition.

4. Since the averments contained in the transfer petition have not been controverted, we are of the view that it will be in the interest of justice to transfer Case No.9 of 2008 pending in Family Court, Udham Singh Nagar, within the State of Uttarakhand to Family Court, Hazipur, within the State of Bihar. Ordered accordingly.

5. The transfer petition is disposed of in the manner indicated above."

The Registry is directed to take further necessary action in the matter.

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

.....J.  
(ASOK KUMAR GANGULY)

NEW DELHI,  
MAY 13, 2010.  
ITEM NO.1

COURT NO.11

SECTION XVIA

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

TRANSFER PETITION (CIVIL.) NO(s). 346 OF 2009

DIPTI KUMARI

Petitioner(s)

VERSUS

SANJAY KUMAR

Respondent(s)

(Office Report for Direction)

Date: 13/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI  
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Puneet Jain,Adv.  
Ms. Eshita Barua,Adv.  
For Ms. Pratibha Jain,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

Order dated 30.11.2009 is recalled and the following revised order is passed and is placed on the file.

The Registry is directed to take further necessary action in the matter.

(A.D. Sharma)  
Court Master

(Phoolan Wati Arora)  
Court Master

(Signed Order is placed on the file)