

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). 346 OF 2009

DIPTI KUMARI

Petitioner(s)

VERSUS

SANJAY KUMAR

Respondent(s)

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

Date: 30/11/2009 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)

Ms. Pratibha Jain, Adv.
Mr. Puneet Jain, Adv.
Ms. Christi Jain
Mr. S.K. Jain, Adv.

For Respondent(s)

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

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

(Neetu Khajuria) (Mithlesh Gupta)
Sr.P.A. Court Master
(Signed order is placed on the file.)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.346 OF 2009

Dipti Kumari

...Petitioner

Versus

Sanjay Kumar

...Respondent

ORDER

1. This is a petition for transfer of Petition No.181 of 2005 titled Sanjay Kumar v. Dipti pending in Family Court, Udham Singh Nagar, Uttarakhand to Family Court, Hazipur, Bihar.

2. The petitioner wife has sought transfer of the divorce petition filed by the husband from Family Court, Udham Singh Nagar, Uttarakhand to the competent court at Hazipur, Bihar 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 from the 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 that it will be in the interest of justice to transfer Petition No.181 of 2005 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.

...J.

.....
[G.S. Singhvi]

.....J.
[Asok Kumar Ganguly]

New Delhi
November 30, 2009