

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). 356 OF 2010

MOUSUMI NATH

Petitioner(s)

VERSUS

AMAL NATH

Respondent(s)

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

Date: 17/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Gp.Capt.Karan Singh Bhati,Adv.
Mr. Rashid Khan,Addv.
Ms. Aishwarya Bhati,Adv.

For Respondent(s)

Mr. Ajay Bhalla,Adv.
Mr. A.K. Pandey,Adv.
Ms. Abha R. Sharma,Adv.

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

The Transfer Petition is allowed in
terms of the signed order.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 356 OF 2010

MOUSUMI NATH

..Petitioner

VERSUS

AMAL NATH

..Respondent

O R D E R

This petition is filed by the wife for transfer of a divorce petition filed under Section 13 of the Hindu Marriage Act, 1955, by the husband from the Court of Civil Judge, (Senior Division), District Etawah, Uttar Pradesh to the court of competent jurisdiction at Dibrugarh, Assam. The petitioner alleges that her

father is sick and old; that she is dependant on her old parents and has no source of income; that she apprehends threat to her life at Etawah; that it will be very difficult for her to travel from Dibrugarh to Etawah to defend her case; that a complaint case filed by her against the respondent is pending before the court of Additional Chief Judicial Magistrate at Dibrugarh, Assam; and that respondent is a permanent resident of Assam and has to attend the proceedings before ACJM at Dibrugarh. These are not shown to be false.

2. On the circumstances, we consider this a fit case for transfer.

3. Accordingly, Transfer Petition is allowed and Divorce Case No.320/2008 titled as "Amal Nath vs. Mousumi Nath" pending before the Civil Judge (Sr.Division) District Etawah, Uttar Pradesh is ordered to be transferred to the District Judge, Dibrugarh, Assam who shall either try the case himself or assign it to the court of competent jurisdiction at Gorakhpur.

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Dibrugarh, Assam who shall either try the case himself or assign it to the court of competent jurisdiction at Gorakhpur.

4. As the petitioner - wife could not attend the mediation proceedings at Delhi on account of certain personal problems, we request the court to which the matter is transferred to refer the matter to mediation at Gauhati before taking up the matter for trial.

5. We are also informed that certain criminal proceedings are pending in the court of ACJM, Dibrugarh and the respondent-husband has to attend the hearings of the said cases also. He has a minor son to look after and he is in employment in GAIL(India) Ltd and is posted at Abu Road, Rajasthan. Therefore, the court to which the matter is transferred will ensure that the matter is disposed of with minimum number of hearings and preferably have the hearings on dates near to the date of hearing of the criminal proceedings so that unnecessary trips could be avoided so far as the husband is concerned.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
JANUARY 17, 2011

.....J.
[A.K. PATNAIK]