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T.P.(C) No. 396 OF 2004

ITEM No.17

Court No. 5

SECTION XVIA  
A/N MATTER

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.396/2004

VARSHA MITTAL

Petitioner (s)

VERSUS

RAJIV MITTAL

Respondent (s)

( With Appln(s). for stay and Office Report )

Date : 23/08/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE B.N. SRIKRISHNA

For Petitioner (s) Dr. Sumant Bharadwaj, Adv.  
Ms. Mridula Ray Bharadwaj, Adv.

For Respondent (s)

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

The transfer petition is dismissed with no costs in terms of the signed order.

Sarita (Shelly Sengupta)  
Court Master

(Signed order is placed on the file)  
IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.396 OF 2004

VARSHA MITTAL

PETITIONER

VERSUS

RAJIV MITTAL

RESPONDENT

O R D E R

Neither the respondent is present nor he is represented before us. However, in the counter af

fidavit sent by him, in paragraph 7, it is stated thus :

"That since petitioner had also filed a case of divorce u/s 13 of Hindu Marriage Act, at Gwalior, in such circumstances it will be in the interest of Justice that this Hon'ble Court may under Article 142, may pass decree of divorce because this will avoid litigation between the parties. The copy of notices received from Family Court Gwalior are attached and marked as Annexure R-7."

The learned counsel for the petitioner states that the parties may approach the competent Court to get the decree of divorce by consent. It is open to the parties to do so.  
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In our view, it is unnecessary to keep this transfer petition pending in this Court. Hence, it is dismissed.  
No costs.

[ SHIVARAJ V. PATIL ] .....J.

.....J.  
New Delhi, [ B.N. SRIKRISHNA ]  
August 23, 2004.