

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). 334 OF 2004

M.KALYANI

Petitioner(s)

VERSUS

XAVIER T.P.A.

Respondent(s)

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

Date: 21/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

Mr. T.Raja,Adv.

For Respondent(s)

Mr. P Sureshan, Adv.

Mr. R. Sathish,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.

No order as to costs.

(D.P. WALIA)
COURT MASTER

(RADHA R. BHATIA)
COURT MASTER

(Signed Order is placed on the file)

IN THE SUPREME COURT OF INDIA
ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 334 OF 2004

M. Kalyani ... Petitioner(s)

vs.

Xavier T.P.A. ... Respondent(s)

O R D E R

Heard the learned counsel for the parties.

The transfer petition is allowed. Divorce Petition No. 90/2004 titled Xavier T.P.A. vs. M. Kalyani, pending in the Court of Additional District & Sessions Judge, Tis Hazari, Delhi is directed to be transferred to the Court of District & Sessions Judge, Chengalpat (Tamil Nadu).

The Additional District & Sessions Judge shall, soon on communication of this order, transfer the record of proceedings of Divorce Petition No. 90/2004 titled Xavier T.P.A. vs. M. Kalyani to the District & Sessions Judge, Chengalpat (Tamil Nadu).

The learned counsel for the parties point out that there is another matter pending between the parties which is

under Section 125, Cr.P.C., registered as M.C.No. 11/2003 and pending in the Court of District Munsif at Alandur. The learned counsel for the respondent submits that the respondent-husband would be required to attend at two places for the purpose of participating in the proceedings and submits that the case under Section 125, Cr.P.C. may also be transferred to Chengalpat.

We allow his prayer and direct M.C. No. 11/2003 pending in the court of District Munsif at Alandur to be transferred to the court of District & Sessions Judge, Chengalpat (Tamil Nadu).

The District & Sessions Judge, Chengalpat (Tamil Nadu) may try the cases himself or make over the same or any of them for hearing and disposal in accordance with law to a court of competent jurisdiction subordinate to him.

The parties through their respective counsel are directed to appear before the District & Sessions Judge, Chengalpat (Tamil Nadu) on 24th May, 2005.

No order as to costs.

.....CJI
(R.C. LAHOTI)

.....J
(G.P. MATHUR)

New Delhi;
April 21, 2005.