

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO.426 OF 2012

Amita Mishra

...Petitioner

versus

Amit Mishra

...Respondent

O R D E R

In this petition, the petitioner has prayed for transfer of Divorce Petition No. 22A of 2011 titled Amit Mishra v. Amita Mishra, pending in the Court of Additional District Judge, Khairagarh, Session Court, Dongargarh, within the State of Chhatisgarh to the Court of District Judge, Sultan Pur within the State of Uttar Pradesh.

Notice of the transfer petition was issued on 04.04.2012 and the parties were directed to appear before the Mediation Centre of the Supreme Court on 27.07.2012 to explore the possibility of an amicable settlement of their matrimonial dispute.

The mediation report received from the Supreme Court Mediation Centre shows that the respondent has not attended the mediation proceedings.

We have gone through the transfer petition. The main ground taken by the petitioner for transfer of the case filed by the respondent is her financial incapacity to travel from Sultan Pur (Uttar Pradesh) to Khairagarh, (Chhatisgarh).

In our view, the petitioner has been able to make out a case for transfer. Accordingly, the transfer petition is allowed and Divorce Petition No. 22A of 2011 titled Amit Mishra v. Amita Mishra, pending in the Court of Additional District Judge, Khairagarh, Session Court, Dongargarh, within the State of Chhatisgarh is transferred to the Court of District Judge, Sultan Pur within the State of Uttar Pradesh, who may try the case himself or make over the same to any other Court of competent jurisdiction for being decided in accordance with law.

.....J.
[G.S. SINGHVI]

New Delhi;

.....J.

September 12, 2012

[SUDHANSU JYOTI MUKHOPADHAYA]

ITEM NO.4

COURT NO.5

SECTION XVIA

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). 426 OF 2012

AMITA MISHRA

Petitioner(s)

VERSUS

AMIT MISHRA

Respondent(s)

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

Date: 12/09/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI

HON'BLE MR. JUSTICE SUDHANSU JYOTI MUKHOPADHAYA

For Petitioner(s)

Mr. Naresh Kaushik, Adv.

Mr. Sanjeev K. Bhardwaj, Adv.

For Respondent(s)

None

UPON hearing counsel the Court made the following

O R D E R

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

| (Parveen Kr.Chawla)

| Court Master

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| | (Phoolan Wati Arora)

| | Court Master

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[signed order is placed on the file]