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T.P.(C) No. 357 OF 2004

ITEM No.5

Court No. 6

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.357/2004

NEELAM BHATIA

Petitioner (s)

VERSUS

SATBIR SINGH BHATIA

Respondent (s)

(With Appln(s). for stay and exemption from filing O.T. and
Office Report)

Date : 30/08/2004 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)
Ms. Meenakshi Arora, Adv.

or Respondent (s) Mr. Rajiv Dutta, Sr. Adv.
Mr. R. Nedumaran, Adv.
Mr. Uday Kumar, Adv.
Ms. Namiata Chopra, Adv.
Mr. Beno Bencigar, Adv.

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

Heard learned counsel for the parties.
The transfer petition is disposed of 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.357 OF 2004

NEELAM BHATIA

...

PETITIONER

VERSUS

SATBIR SINGH BHATIA

...

RESPONDENT

O R D E R

Heard learned counsel for the parties.

This petition is by the wife seeking transfer of Hindu Marriage Petition No.6A of 2001 titled as Mr. Satbir Singh Bhatia vs. Ms. Neelam Bhatia from the Court of Additional District Judge, Korba, Chhatisgarh to the Family Court at Kolkata on the grounds that the petitioner has no means and is having no source of income; she has a minor daughter of 5 years; having regard to the long distance to travel, it would be convenient if the petition to transfer the case aforementioned is allowed.

Learned counsel for the respondent-husband resisted this petition stating that the proceedings were initiated in the year 2001; the case has reached to the stage of evidence, pleadings having been completed; at this stage, it will not be appropriate to allow the transfer petition.
..2/-

.2.

He also added that the petitioner has filed some cases at Kolkata after the respondent filed the Hindu Marriage Petition aforementioned. The learned counsel, however, assured that the respondent shall cooperate with the proceedings to go on without dragging the proceedings. Having regard to the submissions made by the learned counsel for the parties, we think it just and appropriate to dispose of the transfer petition with the following directions :

The respondent-husband shall bear the to and fro travelling expenses of the petitioner and one person accompanying her, by train whenever she actually appears before the Court. In case, the father of the petitioner alone travels to attend to the case, the expenses shall be paid to the father also for his travel to attend the court proceedings. On every date of appearance in the court at Korba. The incidental expenses of Rs.500/- shall be paid in addition to the actual train fare by second class on each such occasion.

The respondent shall cooperate in expeditious disposal of the petition.

..3/-

.3.

The respondent shall also pay the arrears of maintenance, as ordered by the trial court, if not already paid and unless there is a stay of the said order to pay maintenance.

Subject to what is stated above, we decline to transfer the case of the petitioner. The transfer petition stands disposed of.

No costs.

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

.....J.
[B.N. SRIKRISHNA]

New Delhi,
August 30, 2004.