

IN THE SUPREME COURT OF INDIA@@  
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CIVIL ORIGINAL JURISDICTION@@  
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TRANSFER PETITION (CIVIL) NO.337 OF 2001@@  
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Sushila @ Pooja .....Petitioner

Versus

Hemant Kumar .....Respondent

O R D E R@@  
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The petitioner is the wife of the respondent. She seeks transfer of Case No.112/2001, titled Hemant Kumar vs. Smt. Sushila @ Pooja, pending in the Court of Shri A.K.Saxena, Judge, Family Court, Moradabad (UP), which is filed by the husband. She submits that she is undergoing treatment for cerebral tuberculomas; she has no source of income for her personal expenses and medical expenses and, therefore, it is not possible for her to travel even from Delhi to Moradabad to attend the proceedings.

Inspite of service of notice by publication, the respondent has not chosen to put in an appearance. In the absence of counter affidavit by the respondent, the averments in the transfer petition remain uncontroverted.

In the circumstances, we direct that the Case No.112/2001, above-mentioned, be transferred from the Family Court, Moradabad to the District Judge, Delhi, who shall try

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the case himself or assign to a court of competent jurisdiction.

The transfer petition is, allowed, accordingly.

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(SYED SHAH MOHAMMED QUADRI)@@

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(ASHOK BHAN) @@

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New Delhi,@@

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February 17, 2003.

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ITEM No.34

Court No. 3

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.337/2001

SUSHILA @ POOJA

Petitioner (s)

VERSUS

HEMANT KUMAR  
( With Appln(s). for stay )  
( With Office Report )

Respondent (s)

Date : 17/02/2003 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI  
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)

Mrs. Urmila Sirur,Adv. (SCLSC)

For Respondent (s)

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

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

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(N. Annapurna) (Kanwal Singh)  
Court Master Court Master

(Signed order is placed on the file.)