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T.P.(C) No. 507 OF 2004
ITEM No.34

Court No. 4

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.507/2004

RAJANI KISHOR PARDESHI

Petitioner (s)

VERSUS

KISHOR BABULAL PARDESHI
(With Appln(s). for stay and Office Report)

Respondent (s)

Date : 18/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. Prakash Shrivastava,Adv.

For Respondent (s)Mr. Rauf Rahim, Adv.
Mr. A.P. Medh, 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.

(K.K.Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.507 OF 2004

RAJANI KISHOR PARDESHI

Petitioner (s)

VERSUS

KISHOR BABULAL PARDESHI

Respondent (s)

O R D E R

Heard parties.

This is wife's Petition for transfer of Hindu Marriage Petition No.6 of 2004 Shri Kishor Babul

al Pardeshi Vs. Rajani Kishor Pardeshi pending before the Court of Civil Judge, Senior Division at Panvel, Mumbai, Maharashtra to the Family Court of proper jurisdiction at Satana, Madhya Pradesh on the ground that she does not have financial capacity to contest the litigation at Mumbai and that she is staying with her brother. She claims that her brother is unable to accompany her as he is also financially weak.

The husband opposes the transfer on the ground that it is equally inconvenient for him to go to Satana and that he is willing to pay the expenses for her travel to Mumbai.

In this type of matters, the convenience of the wife is to be preferred over the convenience of the husband. Hindu Marriage Petition No.6 of 2004, Shri Kishor Babulal Pardeshi Vs. Rajani Kishor Pardeshi pending before the Court of Civil Judge, Senior Division at Panvel, Mumbai, Maharashtra is transferred to the Family Court of proper jurisdiction at Satana, Madhya Pradesh.

The Transfer Petition is accordingly allowed.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
February 18, 2005.