

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 293 OF 2010

SHEFALI VARSHNEY @ SHEFALI

Petitioner(s)

VERSUS

UMA SHANKAR GUPTA

Respondent(s)

WITH T.P.(C) NO. 299 of 2010

O R D E R

T.P(C) No.293 of 2010, has been filed by the petitioner wife for transfer of Misc.Case No.98 of 2008, pending before the Family Court at Kolkata, to the Family Court of competent jurisdiction at Aligarh, Uttar Pradesh.

2. T.P.(C)No.299 of 2010, has also been filed by the wife for transfer of F.A.No.415 of 2009 (FAT No.20/09), pending before the Calcutta High Court, to the Allahabad High Court, U.P.

3. Yesterday, when the matter was taken up, we had interacted with the parties to see whether a mutual settlement could be effected between them, having particular regard to their minor girl child, who is about five years old at present. Unfortunately, both the parties could not

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come to any workable arrangement and, accordingly, we have no option but to take up the two transfer petitions on their merits.

4. At this juncture, it was submitted on instructions on behalf of the husband that he will not press Misc.Case No.98 of 2008, which is pending before the Family Court in Kolkata.

5. As far as the other transfer petition is concerned, the same has been preferred by the wife against the ex parte decree of divorce which had been granted

in favour of the

respondent husband.

6. Having regard to the submissions made on behalf of the husband, we direct that the pending Misc.Case No.98 of 2008, pending before the Family Court at Kolkata, be dismissed as not pressed. However, as far as T.P.No.299 of 2010, is

concerned, after having heard learned counsel for the parties, we direct that the same be transferred from the Calcutta High Court to the Allahabad High Court.

7. In addition to the above, having regard to the interest of the minor child, we further direct that the respondent husband will be entitled to visit the child once a month on any week-end after giving notice of his intended visit to the petitioner wife so that she is present with the child when he arrives to meet her. In the event the

respondent husband arrives on a Sunday, he will, if the child is not unwilling, be entitled to take her out for the day and

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bring her back to the petitioner by 6.00 p.m. in the evening.

In addition, the respondent husband will be entitled to provide for maintenance of the child and such maintenance, if offered, shall not be refused by the petitioner wife. This

may also include expenses in connection with the child's schooling.

8. Liberty is given to the respondent husband to apply for other directions before the Allahabad High Court.

9. The transfer petitions are disposed of accordingly.

.....J.  
(ALTAMAS KABIR)

.....J.  
(A.K. PATNAIK)

NEW DELHI,  
October 01, 2010.

ITEM NO.65

Court No.2

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). 293 OF 2010

SHEFALI VARSHNEY @ SHEFALI

Petitioner(s)

VERSUS

UMA SHANKAR GUPTA

Respondent(s)

WITH T.P.(C) NO. 299 of 2010

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

Date: 01/10/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Nimish Raja, Adv.  
Ms. Garima Prashad, Adv.  
Ms. Pradeep Kumar, Adv.

For Respondent(s) Mr. Shiv Shankar Banerjee, Adv.  
Ms. K.V.Bharathi Upadhyaya, Adv.  
Mr. Anirbav Guha, Adv.

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

The transfer petitions are disposed of in  
terms of the signed order.

(Sheetal Dhingra)  
Court Master

(Juginder Kaur)  
Court Master

[Signed order is placed on the file]