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T.P.(C) No. 329 OF 2003

ITEM No.34

Court No. 3

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.329/2003

ANJALI BHATIA

Petitioner (s)

VERSUS

KAMAL BHATIA

Respondent (s)

(With Appln(s). for stay and office report)

Date : 19/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI

HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. Baldev Atreya, adv.
Mr. Praveen Jain,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed in terms of the signed order placed on the file.
No order as to the costs.

(Ajay Kr. Jain)

(Radha R. Bhatia)

Court Master

Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.329 OF 2003

Anjali Bhatia...Petitioner

Versus

Kamal Bhatia...Respondent

O R D E R

The respondent-husband has filed a petition under Section 9 of the Hindu Marriage Act for restoration of conjugal rights being Case No. 618/2001 before the Principal Family Court, Kanpur Nagar, Kanpur, Uttar Pradesh. The wife-petitioner is residing at Bhiwani, Haryana with her mother. This is a petition filed by the petitioner-wife seeking transfer of the abovesaid proceedings from Kanpur, U.P. to Bhiwani, Haryana.

The Respondent has been served through the Family Court at Kanpur. However, he has chosen not to appear.

Having heard learned counsel for the petitioner, but without expressing any opinion on the allegations made in the transfer petition, which are subjudice in the main proceedings, we are of the opinion that it will be for better convenience of the parties and in the interest of justice if the proceedings are directed to be transferred from Kanpur, Uttar Pradesh to Bhiwani, Haryana. Accordingly, the transfer petition is allowed. It is directed that Case No. 618/200

1 titled "Kamal Bhatia Vs. Anjali Bhatia" pending before the Principal Family Court, Kanpur Nagar, Kanpur (U.P.) shall stand transferred to the Court of District Judge Bhiwani, Haryana, who may try the petition himself or make over the same for hearing and disposal in accordance with law to a Court of competent jurisdiction subordinate to him.

The Presiding Officer, Family Court at Kanpur Nagar, Kanpur shall, soon on communication of this order, transfer the record of proceedings in Case No. 618/2001 titled "Kamal Bhatia Vs. Anjali Bhatia" to the Court of District Judge, Bhiwani, Haryana.

The petitioner through her counsel is directed to appear before the Court of District Judge, Bhiwani, Haryana on 26th February, 2004.

No order as to the costs.

.....J.

(R.C. Lahoti)

.....J.

(Ashok Bhan)

New Delhi,
January 19, 2004