

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). 369 OF 2004

KAVITA CHOUDHARY NEE SAHANI

Petitioner(s)

VERSUS

KAMALESH CHOUDHARY

Respondent(s)

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

WITH

T.P.(CRL) NO. 334 of 2004 - With appln. for stay

T.P.(CRL) NO. 340 of 2004 - With appln. for stay

Date: 02/01/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ARUN KUMAR

HON'BLE MR. JUSTICE G.P. MATHUR

For Petitioner(s)

in TP (C.)No. 369/2004

Mr. M. Qamaruddin, Adv.

Mrs. M. Qamaruddin, Adv.

Mr. Ambar Qamaruddin, Adv.

In TP (Crl.) Nos. 334/2004

Mrs Sarla Chandra, Adv.

& TP (Crl.) Nos. 340/2004

For Respondent(s)

in TP (C.)No. 369/2004

Mr. Sunil Kumar, Sr. Adv.

Ms. Anit Kanungo, Adv.

Mrs. Sarla Chandra, Adv.

In TP (Crl.) Nos. 334/2004

Mr. M. Qamaruddin, Adv.

& TP (Crl.) Nos. 340/2004

Mrs. M. Qamaruddin, Adv.

UPON hearing counsel the Court made the following

O R D E R

Transfer Petition (Civil) No. 369 of 2004 is allowed and Transfer Petitions (Criminal) No. 334 of 2004 & 340 of 2004 filed by the husband are dismissed in terms of the signed order.

(Rajesh Dham)

(Phoolan Wati Arora)

Court Master

Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 369 OF 2004

KAVITA CHOUDHARY NEE SAHANI

Petitioner(s)

VERSUS

KAMALESH CHOUDHARY

Respondent(s)

WITH T.P.(CRL) NO. 334/2004 AND T.P.(CRL) NO. 340/2004

O R D E R

Transfer Petition (Civil) No. 369 of 2004 is a petition filed by the wife for transfer of

Matrimonial Suit No. 489 of 2003 (titled Kamalesh Choudhary vs. Kabita Choudhary alias Sahan i)

filed by husband against her for divorce pending in the Court of the District Judge at Howrah , West

Bengal to Ranchi (Jharkhand).

Transfer Petition (Criminal) No. 334 of 2004 is a petition filed by husband for seeking

transfer of criminal cases filed under Section 498A/34 IPC and Sections 3 & 4 of the Dowry

Prohibition Act, 1961 (titled State of Jharkhand Vs. Kamalesh Choudhary & Ors.) pending in the

Court of Chief Judicial Magistrate, Ranchi (Jharkhand) to Howrah, West Bengal.

Transfer Petition (Criminal) No. 340 of 2004 is another transfer petition filed by the

husband for transfer of Maintenance Case No. 121 of 2003 (titled Kabita Choudhary vs. Kamalesh

Choudhary) filed by his wife under Section 125 Cr.P.C. pending in the Court of Principal Judge,

Family Court, Ranchi (Jharkhand) to Howrah, West Bengal.

We have heard the learned counsel for the parties.

Considering the entire facts and circumstances, particularly the averment about the

physical condition of the wife, we are of the view that all these cases be heard and tried by

appropriate court at Ranchi (Jharkhand). Accordingly, Transfer Petition (Civil) No. 369 of 2004 is

allowed and Matrimonial Suit No. 489 of 2003 (titled Kamalesh Choudhary vs. Kabita Choudhary

alias Sahani) pending in the Court of the District Judge at Howrah, West Bengal is ordered to be

transferred to the Court of District Judge, Ranchi (Jharkhand) who shall try the same himself or

assign it to an appropriate court for trial.

Transfer Petitions (Criminal) No. 334 of 2004 & 340 of 2004
filed by the husband are

dismissed.

..J.

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(ARUN KUMAR)

..J.

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(G.P. MATHUR)

NEW DELHI

JANUARY 02, 2006.