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T.P.(C) No. 377 OF 2001
ITEM No.33

Court No. 1

SECTION XVIA
A/N MATTER

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.377/2001

RASHMI SINGH

Petitioner (s)

VERSUS

RAJIV SINGH
(With Appln(s). for stay)

Respondent (s)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s)

Mr. Sanjeev Malhotra, Adv. (SCLSC)

For Respondent (s)

Mr. Hemant Sharma, Adv.
Ms. Indu Sharma, Adv.

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

.....L.....I.....J
.SP2

The transfer petition is allowed in terms of the
signed order. No costs.

.SP1
.....L.....T.....J

(Ajay Kr. Jain)
Court Master

(Prem Prakash)
Court Master

(Signed order is placed on the file)

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.PL55
.....L.....I.....T.....T.....T.....T.....T.....T.....J.
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 377 OF 2001@@
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Rashmi Singh

... Petitioner

versus

O R D E R@@
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.SP2

This is a petition seeking transfer of Civil Suit No. 51A/2001 filed by the respondent-husband under Section 13(1) (i-a) of the Hindu Marriage Act which is pending before the IVth Additional District Judge, Jabalpur. It appears that the parties were married on 30th September, 1979 and there are two daughters out of this wedlock, namely Kum. Rachita Singh aged about 20 years and Kum. Ritika Singh aged about 11 years. The respondent-husband had earlier also filed a matrimonial case being M.C. No. 322/97 in the Family Court at Bangalore but the same was withdrawn by him on 4th July, 1998. The petitioner-wife thereafter filed a petition under Section 9 of the Hindu Marriage Act for restitution of conjugal rights, being M.C. No. 36/2000 which is pending before the Family Court at Bangalore. The petition filed by the respondent-husband under Section 13(1)(i-a) of the Hindu Marriage Act (Civil Suit No. 51A/2000) in the Court of IVth Additional District Judge, Jabalpur was later in point of time. It was filed on 29th Jaunary, 2001.

...2/-

- 2 -

It transpires from a perusal of the transfer petition which is supported by an affidavit that the petitioner-wife is living with her two daughters at Bangalore. In the circumstances, without commenting on the allegations made in the petition, as to the correctness or otherwise, it appears appropriate to us, in the established facts and circumstances of this case, to allow the transfer petition and withdraw Civil Suit No. 51A/2000 filed under Section 13(1)(i-a) of the Hindu Marriage Act from the Court of the IVth Additional District Judge, Jabalpur and transfer the same to the Family Court at Bangalore. We make an order accordingly.

The learned IVth Additional District Judge, Jabalpur shall send the record of Civil Suit No. 51A/2000 titled "Capt. Rajeev Singh (Retd.) Vs. Smt. Rashmi Singh" to the transferee court without delay. The transferee court shall issue notice to the parties and dispose of the case in accordance with law.

The transfer petition is allowed. No costs.

.SP1

.....CJI.

.....J.
(R.C. LAHOTI)

.....J.
(P. VENKATARAMA REDDI)

New Delhi
September 10, 2001.