

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO. 561 OF 2013

Deepa

..Petitioner

versus

Shailesh

..Respondent

O R D E R

In this petition filed under Section 25 of the Code of Civil Procedure, the petitioner has prayed for transfer of Suit No.HMA/543/2012 titled Shailesh v. Deepa filed by the respondent herein under Section 13(1)(i-a) and (i-b) of the Hindu Marriage Act, 1955, which is pending before the Family Court, Rohini at Delhi to the Principal Judge, Family Court, Dharmshala, District Kangra, within the State of Himachal Pradesh.

The petitioner has sought transfer on the grounds of her financial incapacity and difficulty in travelling a distance of 650 Kms. from Kangra (Himachal Pradesh) to Delhi for attending proceedings of the case filed by the respondent.

The respondent has filed counter affidavit to controvert the averments contained in the transfer petition.

We have heard learned counsel for the parties and perused the record. In our considered opinion, the petitioner has succeeded in making out a case for transfer of the suit filed by the respondent. The transfer petition is, accordingly, allowed and Suit No.HMA/543/2012 titled Shailesh v. Deepa pending before the Family Court, Rohini at Delhi is transferred to the Principal Judge, Family Court, Dharmshala, District Kangra, within the State of Himachal Pradesh for being decided in accordance with law.

.....J.
[G.S. SINGHVI]

.....J.
[V. GOPALA GOWDA]

September 13, 2013.

ITEM NO.4

COURT NO.2

SECTION XVIA

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(s). 561 OF 2013

DEEPA

Petitioner(s)

VERSUS

SHAILESH

Respondent(s)

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

Date: 13/09/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. Devendra Singh, Adv.

For Respondent(s)

Ms. Tatini Basu, 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.

(Satish K.Yadav)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)