

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.395/2001

SANGEETA KUMARI

Petitioner (s)

VERSUS

PRABHAKAR PRASAD SINGH
(With Appln(s). for stay)
(For Final Disposal)

Respondent (s)

Date : 17/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. Sujit K. Singh, Adv.
Mr. Amar Kumar Roy, Adv.
for Mr. S.B. Upadhyay,Adv.

For Respondent (s) Mr. K.D. Prasad, Adv.
Mr. Dilip Kumar, Adv.
for Mr. Satish Vig,Adv.

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

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.SP2

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

.SP1

Sarita (Radha Rani Bhatia)@@
AA
Court Master@@
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(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
ORIGINAL APPELLATE JURISDICTION

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SANGEETA KUMARI

... PETITIONER

VERSUS

PRABHAKAR PRASAD SINGH

... RESPONDENT

O R D E R@@
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This is a petition under Article 139A of the Constitution of India filed by the petitioner-wife, seeking transfer of Original Suit No.50/2000 (Matrimonial Jurisdiction) filed by the respondent-husband in the Court of District Judge, Muzaffarpur, seeking dissolution of marriage under Section 13 of the Hindu Marriage Act, 1955. The respondent, a permanent resident of Nalanda, Bihar, is presently posted as Assistant Professor in I.I.T., Powai at Mumbai. The petitioner is dependent on her parents, who are old and aged. The petitioner has no independent source of income. We are told at the Bar that the distance between B.Deoghar and Muzaffarpur requires an over-night journey.

Considering the facts and circumstances of the case, we are of the opinion that it would serve the ends of justice and satisfy the test of larger convenience of ..2/-

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the parties if the petition, filed by the respondent-husband, is transferred to a competent court at B.Deoghar for hearing and disposal. Accordingly, the petition is allowed. The Original Suit No.50/2000 (Matrimonial Jurisdiction) titled as Prabhakar Prasad@@ CCCCCCCCCCCCCCCC

Singh -Vs.- Sangeeta Kumari, pending in the court of@@ CCCCC CCCCCCCCCCCCCCCC

District Judge, Muzaffarpur, Bihar, is directed to be transferred to the court of District Judge, B.Deoghar, Jharkhand. The parties are directed, through their respective counsel, to appear before the transferee court on 26th February, 2002. Soon, on communication of this Order, the District Judge, Muzaffarpur shall transfer the record of proceedings to the District Judge, B.Deoghar, who may try the suit himself or make it over for trial and decision to a competent court within his jurisdiction, in accordance with law.

The transfer petition is accordingly allowed. No order as to costs.

.SP1

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

New Delhi,
January 17, 2002.

.....J.
(BRIJESH KUMAR)