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ITEM NO.55

COURT NO.6

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(s). 459 OF 2012

SWETA KUMARI Petitioner(s)

VERSUS

NIRAJ KUMAR Respondent(s)

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

Date: 29/10/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Mr. Atul Kumar, Adv. for
Mr. S.K. Verma, Adv.

For Respondent(s) Mr. Brijender Singh Dhull, Adv. for
Mr. Avinash Kr.Lakhanpal, Adv.

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

Transfer Petition is allowed in terms of signed order.

(Pardeep Kumar)		(Renu Diwan)	
Court Master		Court Master	

[SIGNED ORDER IS PLACED ON THE FILE]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 459 OF 2012

SWETA KUMARI	...	PETITIONER(s)	
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	Versus	
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DR. NIRAJ KUMAR	...	RESPONDENT(s)	
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O R D E R

This is wife's petition seeking transfer of matrimonial case being H.M.A. No. 712 of 2011, Dr. Niraj Kumar vs. Sweta Kumari, from the court of Additional District Judge (West), Tis Hazari Courts, Delhi to the court of competent jurisdiction at North 24 Parganas, West Bengal.

2. Notice of the Transfer Petition has been served on the respondent and in opposition thereto, a counter-affidavit has been filed.

3. We have carefully considered the averments made in the Transfer Petition and the counter-affidavit.

4. Having regard to the fact that the petitioner-wife is residing in District North 24 Parganas, West Bengal, we are satisfied that the petitioner-wife shall be put to greater hardship if the above matrimonial case is allowed to be continued at Delhi.

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5. We, accordingly, allow the Transfer Petition and transfer H.M.A. No. 712 of 2011, Dr. Niraj Kumar vs. Sweta Kumari, from the court of Additional District Judge (West), Tis Hazari Courts, Delhi to the court of Principal District Judge, North 24 Parganas, West Bengal. It will be open to the Principal District Judge, North 24 Parganas, West Bengal to transfer the above matrimonial case for disposal to any other competent court within his jurisdiction. The transferrer court shall transmit the record and proceedings pertaining to the above matrimonial case to the transferee court without any delay. No costs.

.....J.
(R.M. LODHA)

.....J.
(ANIL R. DAVE)

NEW DELHI
OCTOBER 29, 2012.