

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). 363 OF 2010

SHASHI BALA DHARMVIR TOLIKAR

Petitioner(s)

VERSUS

DHARMVIR KANTILAL TOLIKAR

Respondent(s)

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

Date: 17/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Sudhir Kulshreshtha,Adv.

For Respondent(s)

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

In terms of the signed order, the Transfer Petition is allowed and case H.M.P.No.508/2008 titled as "Dharmvir Kantilal Tolikar vs. Shashibala Dharmvir Tolikar" pending before Family Court, Ahmedabad, Gujarat is ordered to be transferred to the Court of District Judge, Kapurthala, Punjab, who may decide the matter himself or assign it to the court having jurisdiction at Kapurthala.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 363 OF 2010

SHASHI BALA DHARMVIR TOLIKAR

..Petitioner

VERSUS

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O R D E R

This petition is filed by the wife seeking transfer of divorce petition filed by the husband under Section 13 of the Hindu Marriage Act, 1955, from Family Court of Ahmedabad, Gujarat to District Court, Kapurthala, Punjab.

The petitioner alleges that she is living with her younger sister at Kapurthala, that she is unemployed and has no income to take care of herself and her treatment for depression; that the petitioner has filed the maintenance petition under Section 125 Cr.P.C. before the Chief Judicial Magistrate, Kapurthala; that the respondent is a Colonel in Army and she apprehends threat to her life in Ahmedabad; that the petitioner cannot travel alone to Ahmedabad which is 1300 kms. away from Kapurthala to defend her case and also cannot bear the expenses.

2. The said averments are not controverted. In the circumstances, we consider this a fit case for transfer.

3. Accordingly, Transfer Petition is allowed and case H.M.P.No.508/2008 titled as "Dharmvir Kantilal Tolikar vs. Shashibala Dharmvir Tolikar" pending before Family Court, Ahmedabad, Gujarat is ordered to be transferred to the Court of District Judge, Kapurthala, Punjab, who may decide the matter himself or assign it to the court having jurisdiction at Kapurthala.

[R.V. RAVEENDRAN]

NEW DELHIJ.
JANUARY 17, 2011 [A.K. PATNAIK]