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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 568 OF 2012

BISMITA TARUN DUTTA BARUAH

PETITIONER(s)

VERSUS

NIRANGKUSH UPENDRA DAS

RESPONDENT(s)

with

TRANSFER PETITION (CIVIL) NOS. 879-880 OF 2012

NIRANGKUSH UPENDRA DAS

PETITIONER(s)

VERSUS

BISMITA TARUN DUTTA BARUAH

RESPONDENT(s)

O R D E R

T.P. (C) NO. 568 OF 2012:

This is wife's petition for transfer of matrimonial case being F.C. (Civil) Suit No. 426 of 2011, titled as "Nirangkush Upendra Das vs. Bismita Dutta Baruah", from the Family Court, Guwahati, Assam to the Family Court, Pune, Maharashtra.

2. We have heard learned counsel for the parties and also perused the averments made in the Transfer Petition and the counter-affidavit.

3. The objection of the respondent in the counter-affidavit is that the petitioner-wife has property in Guwahati, Assam; her parents reside in

Guwahati and witnesses are also from Guwahati and, therefore, the matter does not deserve to be transferred from the Family Court, Guwahati to the Family Court, Pune.

4. The first two objections by the respondent that the petitioner owns property in Guwahati and her parents reside in Guwahati are irrelevant. There is some merit in the objection insofar as witnesses are concerned. However, having regard to the fact that the petitioner-wife is presently residing in Pune (Maharashtra), we are satisfied that greater hardship shall be caused to her in case the proceedings in the above matrimonial case are allowed to be continued at Guwahati (Assam).

5. We, accordingly, allow the transfer petition and transfer F.C. (Civil) Suit No. 426 of 2011, titled as "Nirangkush Upendra Das

vs. Bismita Dutta Baruah", from the Family Court, Guwahati, Assam to the Family Court, Pune, Maharashtra. The transferrer court shall transmit the record and proceedings of the transferred matrimonial case to the transferee court without any delay.

6. The transferee court is requested to hear and decide the transferred matrimonial case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the matrimonial case.

7. No costs.

T.P. (C) NOs. 879-880 OF 2012:

We have heard Mr. Saurabh Jain, learned counsel for the petitioner.

Transfer Petitions are dismissed.

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

NEW DELHI;  
SEPTEMBER 27, 2013.

.....J.  
( MADAN B. LOKUR )

ITEM NO.39

COURT NO.3

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). 568 OF 2012

BISMITA TARUN DUTTA BARUAH

Petitioner(s)

VERSUS

NIRANGKUSH UPENDRA DAS

Respondent(s)

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

WITH T.P.(C) NOS. 879-880 of 2012

(With appln. for stay)

Date: 27/09/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA

HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Ms. Neela Gokhale,Adv. for  
Ms. Kamakshi S. Mehlwal,Adv.

TP 879-880 Mr. Saurabh Jain, Adv.  
Mr. P.K. Goswami, Adv.  
Mr. S. Dwivedi, Adv. for  
Mr. P.K. Jain, Adv.

For Respondent(s) Mr. Saurabh Jain, Adv.  
Mr. P.K. Goswami, Adv.  
Mr. S. Dwivedi, Adv. for  
Mr. P.K. Jain,Adv.

Ms. Neela Gokhale,Adv. for  
Ms. Kamakshi S. Mehlwal, Adv.

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

T.P. (C) No. 568 of 2012:

Transfer Petition is allowed in terms of signed order. No  
costs.

T.P. (C) Nos. 879-880 of 2012:

Transfer Petitions are dismissed in terms of signed order.

|(Pardeep Kumar)  
|Court Master

| |(Renu Diwan)  
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]