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T.P.(C) No. 465 OF 2004  
ITEM No.44

Court No. 5

SECTION XVIA  
A/N MATTER

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.465/2004

BINDU PRASAD

Petitioner (s)

VERSUS

VIJAY PRASAD  
( With Appln(s). for stay )

Respondent (s)

Date : 07/02/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner (s)Mr. Arun K. Sinha,Adv.  
Mr. Sandeep Bhargava, Adv.

For Respondent (s)Mr. Chandra Prakash Pandey,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.

(K.K.Chawla)  
Court Master

(Jasbir Singh)  
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION  
TRANSFER PETITION (CIVIL) NO.465 OF 2004

BINDU PRASAD

Petitioner (s)

VERSUS

VIJAY PRASAD

Respondent (s)

O R D E R

This is wife's Petition for transfer of H.M.A. Petition No.205/04 titled Shri Vijay Prasad Vs. Smt. Bindu Prasad, pending in the Court of Shri J.P.S. Malik, Additional District & Sessions Judge, Delhi to the Family Court Patna on the ground that she has no independent source of income. She further claims that she is residing with her retired father at Patna. She also has a small child, who requires day to day attention and it is very difficult for her to come to D

elhi. The Respondent has opposed these grounds contending that the Petitioner's father has sufficient income in order to enable his daughter to come to Delhi to defend her case. In our view, in a matter like this, the convenience of the wife has to be looked into. In our view, the grounds made out by the Petitioner are sufficient for transfer.

We, therefore, direct for transfer of H.M.A. Petition No.205/04 titled Shri Vijay Prasad Vs. Smt. Bindu Prasad, pending in the Court of Shri J.P.S. Malik, Additional District & Sessions Judge, Delhi to the Family Court Patna.

The transfer petition is, accordingly, allowed.

.....J.  
(S.N. Variava)

.....J.  
(Tarun Chatterjee)  
New Delhi;  
February 07, 2005.