

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). 417 OF 2009

ABHA PRASHANT SINHA Petitioner(s)

VERSUS

PRASHANT JAIPRAKASH SINHA Respondent(s)

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

Date: 08/03/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Ms. Kumud Lata Das,Adv.

For Respondent(s) Mr. R.K. Bachchan, Adv. for
Mr. Debasis Misra,Adv.

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

The Transfer Petition is allowed in terms of signed
order.

(Pardeep Kumar) (Phoolan Wati Arora)
Court Master Court Master
[SIGNED ORDER IS PLACED ON THE FILE]
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.417 OF 2009

Abha Prashant Sinha ...Petitioner(s)

VERSUS

Prashant Jaiprakash Sinha ...Respondent(s)

O R D E R

1. In this petition the petitioner has prayed for transfer of the petition filed by the respondent under Section 13(1)(ia) of the Hindu Marriage Act, 1955 which is pending in Family Court at Bandra, Mumbai (Maharashtra).

2. The petitioner, who is a resident of Patna (Bihar), has sought transfer of the petition mainly on the grounds of difficulty in travelling alone from Patna to Mumbai for the purpose of attending the proceedings of the case filed by the respondent.

3. In the counter affidavit, the respondent has pleaded that the petitioner is not a resident of Bihar and the address given by her is false. He has also pleaded that the petitioner is residing with her father in the staff quarters of Kendriya Vidyalaya.

4. The petitioner has filed additional affidavit stating therein that she is a permanent resident of village Gauri Pur, District Bhagal Pur, Bihar and that she has

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filed Complaint No.870(C)/2007 under Section 323 and 498 IPC and Section 3/4 of the Dowry Prohibition Act which is pending in the Court of CJM, Patna. She also claims to have filed maintenance case under Section 125 Cr.P.C. which is pending before Principal Judge, Family Court, Patna.

5. Having heard learned counsel for the parties and perused the records, we are convinced that it will be in the interest of justice to transfer M.J. Petition No. A-314/2009 titled Prashant Jai Prakash Sinha v. Abha Prashant Sinha from Family Court at Bandra (Mumbai) within the State of Maharashtra to District Judge, Patna within the State of Bihar, who may try the case himself or make over the same to any other court of competent jurisdiction for being disposed of in accordance with law. Ordered accordingly.

6. The Transfer Petition is disposed of in the manner indicated above.

.....J.
(G.S. SINGHVI)

.....J.
(ASOK KUMAR GANGULY)

NEW DELHI,
March 8, 2010.