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T.P.(C) No. 397 OF 2001

ITEM No.34

Court No. 1

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.397 of 2001@@
CC

ANITA Petitioner (s)

VERSUS

VINOD KUMAR Respondent (s)

(With I.A. No.3/2002 - Appln. for discharge of the counsel for the
respondent and with Appln(s). for stay)

Date : 14/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE N. SANTOSH HEGDE
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. Yatender Sharma,Adv.
Mr. Prashant Kumar,Adv.

For Respondent (s) Mr. S.P. Singh,Adv.
Mr. Shankar Divate,Adv.

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

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I.A. No.3 of 2002 is allowed.

The transfer petition is allowed.

No order as to costs.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

AnitaPetitioner

Versus~

Vinod KumarRespondent

With I.A. No.3 of 2002.@@
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O R D E R@@
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I.A. No. 3 of 2002 is allowed.

The respondent is not present despite having been given notice of the application by his advocate for discharge.

This is a transfer petition by the wife. She seeks the transfer of the matrimonial proceedings filed by the husband (respondent) in the court of the Civil Judge (Senior Division), Dehradun.

It is the wife's case that she has already filed proceedings for dissolution of the marriage in the court of the Additional District Judge, Delhi where she now lives with her parents. She is dependent upon her parents for financial support. She would be unable to travel between Delhi and Dehradun to defend the matrimonial proceedings there. A

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counter has been filed but it does not deal with the averments in the transfer petition.

In the circumstances, the transfer petition is allowed and O.S. No. 672 of 2000 pending before the Civil Judge (Senior Division), Dehradun is transferred to the court of the District Judge, Delhi to be heard with Petition No. 980 of 2000.

No order as to costs.

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(N. Santosh Hegde)@@
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.....J.@@
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(Bisheshwar Prasad Singh)@@
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New Delhi,
January 14, 2002.