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T.P.(C) No. 386 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.386/2001@@
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HEM LATA Petitioner (s)

VERSUS

PRAVEEN KUMAR MANGLA Respondent (s)
(With Appln(s). for stay)

Date : 10/09/2001 This Petition was called on for hearing today.

CORAM :
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE P. VENKATARAMA REDDI

For Petitioner (s) Mr. Vinoo Bhagat, adv.

For Respondent (s) Mr. H C Mittal, adv.
Mr. Manoj Mittal, adv.
Mr. N.S. Bisht, adv.

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

.....L.....I.....T.....T.....T.....T.....T.....T.....J
.SP2

The transfer petition is allowed in terms of
the signed order. No costs.

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(Kanchan Jain) (Prem Prakash)
AR-cum-PS Court Master

Signed order is placed on the file.

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 386 OF 2001@@
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Hem LataPetitioner

VS.

O R D E R@@
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Parties were married on 15th January, 1996 and have a five year old son out of that wedlock. It appears that the respondent-husband filed a petition for annulment of marriage on the ground that the petitioner is of unsound mind. The parties appear to have reconciled and started living together. In 1998 the petition filed by the husband was dismissed in default. Almost three years later, in April, 2001, the respondent has filed a divorce suit, under Section 13 of the Hindu Marriage Act before ADJ, Delhi, with various accusations against the petitioner-wife.

Counter has been filed by the respondent to this petition seeking transfer of Matrimonial Petition H.M.A. No. 229 of 2001 (Praveen Kumar Mangla vs. Hem Lata) from the court of ADJ, Tis Hazari Courts, Delhi to the Court of District Judge, Bhopal.

We do not think it appropriate to deal with the allegations or counter-allegations made in the petition and the counter affidavit. In the facts and ...2/-

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circumstances of the case, we allow this petition and withdraw Matrimonial Petition H.M.A. No. 229 of 2001 (Praveen Kumar Mangla vs. Hem Lata) from the court of ADJ, Tis Hazari Courts, Delhi and transfer the same for its disposal in accordance with law to the file of District Judge, Bhopal who may either try the petition himself or assign it to any other court of competent jurisdiction under him.

Record of the case shall be sent to the transferee court by the learned ADJ, Tis Hazari Courts without any delay. The transferee court shall issue notice to the parties and take expeditious steps in disposing of the petition.

The transfer petition is allowed. No costs.

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.....CJI

.....J.
(R. C. LAHOTI)

.....J.
(P. VENKATARAMA REDDI)

New Delhi
September 10, 2001.