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T.P.(C) No. 516 OF 2001

ITEM No.33

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.516 of 2001@@
CC

K. KALAISELVI Petitioner (s)

VERSUS

S. KALIMUTHU Respondent (s)

(With Appln(s). for stay and office report)

Date : 07/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE BISHESHWAR PRASAD SINGH

For Petitioner (s) Mr. R. Nedumaran,Adv.

For Respondent (s)

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

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The transfer petition is made absolute.

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

Transfer Petition (C) No.516 of 2001~@@
CC

K. Kalaiselvi

....Petitioner

Versus~

S. Kalimuthu

.....Respondent

O R D E R@@
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....L.....I.....T.....T.....T.....T.....T.....T.....T.....T.....J

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This is a transfer petition filed by the wife. She seeks the transfer of matrimonial proceedings filed by the husband before the Civil Judge in Niphad Taluk, Nasik, Maharashtra to Ramanathapuram, Tamil Nadu, where she now resides and where proceedings filed by her are already pending.

It is the petitioner's case that she is unable to leave Ramanathapuram to go to Niphad to defend the matrimonial proceedings because of the four year old child of the marriage resides with her and because of the small salary that she earns she would be unable to afford doing so.

The husband has filed a counter with the Registry by post. There is no defence raised therein insofar as the transfer petition is concerned.

The transfer petition is, therefore, made absolute and
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H.M.A. No. 57 of 2000 pending before the Civil Judge (Senior Division), Niphad Taluk, Nasik District, Maharashtra is transferred to the Subordinate Court, Ramanathapuram, Tamil Nadu.

No order as to costs.

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.....CJI.@@
AAAA

.....J.@@
AA
(Shivaraj V. Patil)@@
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.....J.@@
AA
(Bisheshwar Prasad Singh)@@
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New Delhi,
January 07, 2002.