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T.P.(C) No. 304 OF 2000
ITEM No.24

Court No.11

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.304/2000

SHEELA OJHA

Petitioner (s)

VERSUS

SANTOSH KUMAR OJHA

Respondent (s)

(With Appln(s). for stay)

WITH

T.P.(Crl.) No.111/2000, (With appln. for stay)
SLP(Crl.)No.3614/2001 (With appln. for stay and exem. from
filing OT)

Date : 29/11/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE BRIJESH KUMAR

For Petitioner (s) Mr. S. Muralidhar,Adv.
Ms. Neeru Vaid,Adv.

For Respondent (s) Mr. Nalin Tripathi,Adv.
Mrs Sarla Chandra,Adv.

Mr. Tara Chandra Sharma,Adv.
Mr. Ajay Sharma,Adv.
Ms. Neelam Sharma,Adv.

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

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TP(C) NO.304/2000@@
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The transfer petition is allowed in terms of the
signed order.

TP(CRL.) NO.111/2000 & SLP(CRL.) NO.3614/2001@@
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Four weeks time is granted to file counter
affidavit. Rejoinder, if any, within three weeks,
thereafter.

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(Neena Verma)
Court Master

(Radha Rani Bhatia)
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.304 OF 2000@@
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Smt. Sheela Ojha Petitioner

Versus

Shri Santosh Kumar Ojha Respondent

O R D E R@@
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This is a petition under Section 25 of the Code of Civil Procedure, seeking transfer of Matrimonial Suit No.84 of 1999, a petition for divorce under Section 13 of the Hindu Marriage Act, filed by the respondent - husband, before the District Judge at Howrah, West Bengal. The petitioner - wife is a permanent resident of Lunkaransar, District Bikaner, Rajasthan. The respondent also belongs to Rajasthan; though, in connection with his profession of Broker, he has shifted himself from Rajasthan to Calcutta.

Having considered the facts and circumstances of the case, but, without expressing any opinion on the merits of the allegations and counter allegations made, we are of the opinion that it will be for the greater convenience of the parties and also in the interest of justice if the divorce suit filed by the respondent-husband before the District ...2/-

: 2 :

Judge, Howrah, West Bengal is directed to be transferred to District Judge, Bikaner. It is pointed out that there is another criminal case under Section 498-A and 406 IPC, pending before Judicial Magistrate (1st Class), Lunkaransar, District Bikaner, Rajasthan and in any case, the respondent has to go to Lunkaransar for defending himself in the criminal case.

The petition is allowed. Matrimonial Suit No.84 of 1999 under Section 13 of the Hindu Marriage Act, titled Santosh Kumar Ojha Vs. Sheela Ojha, presently pending@@
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before the District Judge, Howrah, West Bengal is directed to be transferred to the District Judge, Bikaner, who may try the suit himself or make it over to a competent court within his jurisdiction. The court at Howrah shall forthwith transmit the record along with the proceedings of the suit to the District Judge, Bikaner, Rajasthan.

The transfer petition is allowed in the above terms.

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

New Delhi,
November 29, 2001.

.....J.
(BRIJESH KUMAR)