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T.P.(C) No. 457 OF 2003

ITEM No.44

Court No. 9

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.457 of 2003

SUNITA

Petitioner (s)

VERSUS

NAVEEN KUMAR CHUGANI

Respondent (s)

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

Date : 27/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL  
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. V. Prabhakar,Adv.  
Mr. R.S. Krishna Kumar,Adv.  
Mr. Rakesh Garg,Adv.  
Ms. Revathy Raghavan,Adv.

For Respondent (s)Mr. Sanjay Sharawat,Adv.

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

Heard the learned counsel for the parties for a while.

The transfer petition is allowed.

No costs.

[ T.I. Rajput ][ Shelly Sengupta ]  
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 457 OF 2003

Sunita ...Petitioner(s)

Versus

Naveen Kumar Chugani . . . Respondent(s)

O R D E R

This petition is filed by the wife seeking transfer of H.M.A. No. 163 of 2003, titled as Naveen Kumar Chugani vs. Sunita, pending before the Additional District and Sessions Judge, Tis Hazari Court, Delhi to the Family Court at Pondicherry on the ground that petitioner has got twin sons of four years' old; it will be difficult for her to attend the court at Delhi with children; and she does not have sufficient means to defend the case at Delhi. The respondent-husband is staying in China.

The learned counsel for the respondent submitted that in the court at Delhi, an advocate could represent the respondent but in the Family Court at Pondicherry, such a facility is not available. The learned counsel for the petitioner pointed out that since the respondent-husband, in any case, has to travel from China to India, he could conveniently travel to Chennai and attend the proceedings at the Family Court at Pondicherry. As regards the permission to the legal practitioner to represent the respondent before

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- 2 -

the Family Court at Pondicherry, he submitted that before that Family Court, advocates are permitted to represent the parties, provided the parties make an application seeking permission therefor. He further submitted that the petitioner shall not oppose the respondent being represented by an advocate before the Family Court at Pondicherry.

In view of what is stated above, we think it is just and appropriate to allow this transfer petition. Accordingly, the transfer petition is allowed and H.M.A. No. 163 of 2003, titled as Naveen Kumar Chugani vs. Sunita, pending before the Additional District and Sessions Judge, Tis Hazari Court, Delhi, shall stand transferred to the Family Court at Pondicherry.

The parties shall appear before the Family Court at Pondicherry on 8th March, 2004 without expecting any separate notices from that court.

No costs.

.....J.  
[SHIVARAJ V. PATIL]

.....J.  
[D.M. DHARMADHIKARI]  
New Delhi,  
January 27, 2004.