

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 571 OF 2012

POONAM DUBEY

Petitioner(s)

VERSUS

YOGESH KUMAR

Respondent(s)

O R D E R

This is wife's petition seeking transfer of case being Matrimonial Case No. 123 of 2010 titled "Yogesh Kumar Vs. Punam Dubey" from the Court of Principal Judge, Family Court, Kaimur at Bhabhuwa, Bihar to the Family Court, Howrah, West Bengal.

2. Notice of the Transfer Petition has been issued to the respondent. In opposition to the Transfer Petition, the respondent has filed counter affidavit. Rejoinder affidavit has also been filed by the petitioner.

3. We have perused the averments contained in the Transfer Petition, counter affidavit and rejoinder affidavit. Having regard to the fact the petitioner-wife is presently residing in Howrah, West Bengal, we are satisfied that, if the proceedings in the above case are allowed to be continued in Bihar, greater hardship shall be caused to the petitioner-wife.

4. We, accordingly, allow the Transfer Petition and transfer case being Matrimonial Case No. 123 of 2010 titled "Yogesh Kumar Vs. Punam Dubey" from the Court of Principal Judge, Family Court, Kaimur at Bhabhuwa, Bihar to the Family Court, Howrah, West Bengal. The transferrer court shall transmit the record and proceedings of the transferred case to the transferee court without any delay.

5. The transferee court is requested to hear and decide the transferred case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the transferred case.

6. No costs.

.....J.  
( R.M. LODHA )

.....J.  
( J. CHELAMESWAR )

NEW DELHI;

.....J.

APRIL 1, 2013

( MADAN B. LOKUR )

ITEM NO.10

COURT NO.5

SECTION XVIA

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(s). 571 OF 2012

POONAM DUBEY

Petitioner(s)

VERSUS

YOGESH KUMAR

Respondent(s)

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

Date: 01/04/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE J. CHELAMESWAR  
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Ms. Gulfeshan Javed, Adv.  
Mr. Abdul Qadir, Adv.  
Mr. Tiwari,  
Mr. Irshad Ahmad, Adv.

For Respondent(s) Mr. Tathagat H. Vardhan, Adv.  
Mr. Anshuman Upadhyay, Adv.  
Mr. Manu Shanker Mishra, Adv.

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

Transfer Petition is allowed in terms of the signed order.

|(Rajesh Dham)  
|Court Master

| |(Renu Diwan)  
| |Court Master

|

(signed order is placed on the file)