

T.P.(C) No. 399 OF 2003
ITEM No.37

Court No. 2

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.399/2003

NAYANA KHANNA

Petitioner (s)

VERSUS

SAMIR KHANNA

Respondent (s)

(With Appln(s). for stay and Office Report)

Date : 12/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. S. Gurukrishna, Adv.
Ms. Srikala, G.K., Adv.
Mr. Rakesh Kumar Singh, Adv.
Mr. S.R. Setia, Adv.

For Respondent (s)

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

The transfer petition is allowed in terms of the signed order.

KALYANI
(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 399 OF 2003

NAYANA KHANNA

.....

PETITIONER (S)

VERSUS

SAMIR KHANNA

.....

RESPONDENT (S)

O R D E R

Though the respondent has been served, he has chosen not to appear.

The respondent-husband has filed a petition under Section 13B of the Hindu Marriage Act, seeking divorce by mutual consent being Matrimonial Suit No. 872/2003 before the Court of District Judge, Alipore, District Paragnas (South), West Bengal. The petitioner-wife is residing at Bangalore. This is a petition filed by the petitioner-wife seeking transfer of the abovesaid proceedings from Alipore, West Bengal to Bangalore.

Having heard the learned counsel for the petitioner-wife, but without going into the merits of the averments made, which are subjudice in the main proceedings, we are of the opinion that it will be for better convenience of the parties and in the interest of justice if the proceedings are directed to be transferred from Alipore, West Bengal to Bangalore. Accordingly, the transfer petition is allowed. It is directed that Matrimonial Suit No. 872/2003 titled "Samir Khanna Vs. Nayana Khanna" pending in the Court of the District Judge, Alipore, District Paragnas (South), West Bengal shall stand transferred to the Court of Principal District Judge, Bangalore.

The Presiding Officer, District Judge, Alipore District 24 Paragnas (South) shall, soon on communication of this order, transfer the record of proceedings in Matrimonial Suit No. 872/2003 titled as "Samir Khanna Vs. Nayana Khanna" to the Court of Principal District Judge, Bangalore, who may try the petition himself or make over the same for hearing and disposal in accordance with law to a Court of competent jurisdiction within his jurisdiction.

The petitioner through her counsel is directed to appear before the Court of Principal District Judge, Bangalore on 24th February, 2004.

No order as to the costs.

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

.....J
(ASHOK BHAN)

NEW DELHI;
JANUARY 12, 2004.