

TRANSFER PETITION (CIVIL.) NO(s). 587 OF 2006

MONAMI DEY

Petitioner(s)

VERSUS

ASHIT KUMAR DEY

Respondent(s)

O R D E R

Heard.

This is a wife's petition for transfer of the suit for dissolution of marriage filed by the husband which is pending before the Family Court of Kamrup at Guwahati in the state of Assam. The petitioner has alleged that she has left the matrimonial home at Guwahati and is residing at Calcutta, West Bengal; that in proceeding under Section 125 Cr.P.C., the respondent has been directed to pay maintenance to her; that she has no other source of income and is staying with her uncle and brother; and that her son is studying in a school and requires her attention. She has also expressed apprehension that her life will be under threat if she goes to Guwahati.

The respondent has resisted the petition. According to the respondent the matter is virtually settled. He therefore seeks time to enable him to pursue the settlement further. We find that the matter has been pending from the year 2006. If the respondent wants to settle the matter he can do so even when the matter is transferred to the court at Calcutta. He can also approach the Counselling/Mediation Centre at Calcutta for that purpose.

-:2:-

In the circumstances, we find that this is a fit case for transfer. Accordingly we transfer the case F.C. (civil) No.319 of 2005 (Ashit Kumar Dey vs. Monami Dey)

from the Principal Judge, Family Court, Kamrup at Guwahati,
Assam to the Family Court at Calcutta.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
JANUARY 7, 2010
ITEM NO.30

.....J.
[K.S. RADHAKRISHNAN]
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). 587 OF 2006

MONAMIDEY Petitioner(s)

VERSUS

ASHIT KUMAR DEY Respondent(s)

(With appln(s) for stay,disposal of appeal and office report)

Date: 07/01/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. Abhijit Basu, Adv.
Mr. T. Basu, Adv.
Mr. Abhay Kumar,Adv.

For Respondent(s) Mr. Ajay Talesara, Adv.
Mr. Sharad Bhatt, Adv.
Mr. Atishi Dipankar,Adv.

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

The Transfer Petition is allowed in terms of
the signed order.

Accordingly we trasfer the case F.C.(civil)
No.319 of 2005 (Ashit Kumar Dey vs. Monami Dey) from
the Principal Judge, Family Court, Kamrup at
Guwahati, Assam to the Family Court at Calcutta.

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file.)