

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). 463 OF 2009

APINDER KAUR @ RIMPY Petitioner(s)

VERSUS

HARVINDER SINGH @ BOBBY Respondent(s)

(With appln(s) for stay and office report) (For final disposal)

Date: 11/12/2009 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. D.K. Bhatti, Adv.
Dr. Monohar Singh Bakshi, Adv.
Mr. Chitta Ranjan Mishra, Adv.
Mr. Dev Suman Mohan Puria, Adv.
Mr. Debasis Misra, Adv.

For Respondent(s) Ms. Asha Gopalan Nair, Adv.
Ms. Prachi Mishra, Adv.

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

We allow this petition and transfer HMA No.598 of 2008 (Harwinder Singh Vs. Apinder Kaur) from the Court of Addl. District Judge, Delhi West, Tis Hazari Courts, Delhi to the District Judge, Ludhiana, Punjab who shall either try the case himself or assign it to a court of competent jurisdiction.

(Ravi P. Verma) (M.S. Negi)
Court Master Court Master
[Signed order is placed on the file]
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO. 463 OF 2009

APINDER KAUR @ RIMPYPETITIONER(S)

Versus

HARVINDER SINGH @ BOBBYRESPONDENT(S)

O R D E R

This petition filed by the wife is for transfer of divorce petition filed by the respondent-husband from the Court of Addl. District Judge, Delhi West, Tis Hazari,

Delhi to the Court of competent jurisdiction at Ludhiana,
Punjab.

2. The petitioner has stated that the complaint filed by her under Section 12 of the Domestic Violence Act is pending at Ludhiana. She has also stated that having regard to her poverty, she is not able to travel to Delhi to attend to the hearing. She has also stated that she has been threatened not to contest the proceedings and that her life will be at threat if she has to appear in Delhi.

3. The respondent denies all these allegations. It is also alleged that the respondent is suffering from some stress ailment and he will not be able to go to Ludhiana.

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4. On the facts and circumstances, we are of the view that this is a fit case for transfer as petitioner cannot be expected to travel frequently from Ludhiana to Delhi to attend to her case.

5. We, therefore allow this petition and transfer HMA No.598 of 2008 (Harwinder Singh Vs. Apinder Kaur) from the Court of Addl. District Judge, Delhi West, Tis Hazari Courts, Delhi to the District Judge, Ludhiana, Punjab who shall either try the case himself or assign it to a court of competent jurisdiction.

.....J.
(R.V. RAVEENDRAN)

New Delhi;
December 11, 2009.

.....J.
(K.S. RADHAKRISHNAN)