

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO.416 OF 2006

SHICY JOSEPH

... PETITIONER

VERSUS

JOSEPH

...

RESPONDENT

O R D E R

This petition is filed by the wife seeking transfer of Divorce

Petition MC No.1274 of 2005 and Petition No. G & WC No.35 of 2006

filed before the Family Court, Bangalore to the Family Court, Thrissur.

In this petition allegations and counter-allegations have been made by both the parties. We are not prepared to enter into th is contentious issue. This is a matter to be considered by the Family Court.

Suffice it to say that the petitioner-wife also filed an applicati on for

restitution of conjugal rights at Thrissur albeit, subsequent to the divorce

petition filed by the respondent. Be that as it may, the respondent has

to go to Thrissur to contest the application for restitution of conjugal

rights. In a petition of this nature, the Court always considers the

balance of convenience of the parties. It is stated that petitioner-wife is

hard of hearing and she is unable to expose herself to outside. On the

other hand, the respondent-husband is an officer of Air Force and he is

in an advantageous position to move freely to any place. We are of the

2

view that when the convenience of the wife is pitted against the husband,

the former will prevail over the later. Even otherwise, it would be

convenient for both the parties if the cases are tried in one place and

disposed of as such. We are, therefore, of the view that the wife's petition

deserves to be allowed. Accordingly, it is ordered that Petition MC No.

1274 of 2005 and Petition No.G & WC No.35 of 2006 filed before the

Family Court at Bangalore are transferred to the Family Court, Thrissur

to be heard along with the application for restitution of conjugal rights

filed by the petitioner. Considering the fact that the respondent is an Air

Force officer, the Family Court at Thrissur may consider the personal

appearance of the respondent to the minimum.

The transfer petition is allowed.

.....J.

.....

( H.K. SEMA )

.....J.

( P.K. BALASUBRAMANYAN )

NEW DELHI,

JANUARY 05, 2007.

3

ITEM NO.42

COURT NO.7

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). 416 OF 2006

SHICY Petitioner(s)

VERSUS

JOSEPH MPS Respondent(s)

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

Date: 05/01/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.K. SEMA  
HON'BLE MR. JUSTICE P.K. BALASUBRAMANYAN

For Petitioner(s) Mr. R. Basant, Adv.  
Mr.Senthil Jagadeesan,Adv.

For Respondent(s) Mr. Krishnan Venugopal, Adv.  
Mr. A. Raghunath,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.

(PAWAN KUMAR)  
AND SINGH)

(AN

COURT MASTER

COURT MASTER

(signed order is placed on the file)