

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). 473 OF 2010

B. LALREMRUATI Petitioner(s)

VERSUS

RAJEEV KAKOTY Respondent(s)

(With appln(s) for exemption from filing O.T.,stay and office report)

Date: 21/01/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Anil Kumar Tandale,Adv.
Mr. Lalremsanga N., Adv.

For Respondent(s) M/S Corporate Law Group,Adv.

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

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

(Neetu Sachdeva)
Sr. P. A.

(Sneh Bala Mehra)
Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 473 OF 2010

B. LALREMRUATI Petitioner(s)

VERSUS

RAJEEV KAKOTY Respondent(s)

O R D E R

Rule.

By filing this petition, under Section 25 of the Civil Procedure Code, 1908 the petitioner has prayed to transfer Money Suit No.33/2010 titled as Rajeev Kakoty Vs. Ms. B. Lalremruati pending in the Court of learned

Civil Judge No.1, Kampur at Guwahati to the District Court, Delhi.

According to the petitioner, she and the respondent had become friends in the year 2002 after which the respondent had started dropping hints of his intention to marry the petitioner but the petitioner had refused the proposal made by the respondent. According to the petitioner, despite her refusal, the respondent was again and again persuading her to marry him. The petitioner has mentioned that on 10.7.2006, she had joined Apollo Hospital, New Delhi as a staff nurse and received a legal notice from lawyer of the respondent

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addressed to the petitioner at Apollo Hospital alleging that petitioner had borrowed Rs.3,50,000/- from the respondent and as per Deed of Agreement between the petitioner and the respondent, the petitioner was liable to return the balance of Rs.2,94,000/- to respondent. The claim advanced by the petitioner is that the petitioner had thereafter left Apollo Hospital in order to pursue an advance nursing course in U.K. on 30.12.2009 and on her return to India, she had learnt that the respondent had filed suit claiming a sum of Rs.2,49,000/-. The petitioner has averred that on each and every date it would not be possible for the petitioner to attend the Court because of the pressure and fear from the respondent. What is mentioned in the petition is that the respondent being a male as well as a businessman by profession will not face any difficulty in contesting the case at Delhi. The statement made by the petitioner that the respondent is a businessman is disputed by the respondent and according to the respondent No.1, he is a government servant. Be that as it may, on these and other grounds, the petitioner has filed the present petition and claimed relief to which

reference is made earlier.

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This Court has heard the learned counsel for the parties. For the reasons mentioned in paragraph 11 (A) to 11(F) of the memorandum of the Transfer Petition, this Court is of the opinion that the prayer made in the petition deserves to be granted.

Hence, the petition succeeds. Money Suit No.33/2010 titled as Rajeev Kakoty Vs. Ms. B. Lalremruati pending in the Court of learned Civil Judge No.1, Kampur at Guwahati is hereby transferred to the District Court, Delhi.

Rule is made absolute.

The Transfer Petition accordingly stands disposed of.

.....J.
(J.M. PANCHAL)

NEW DELHI
JANUARY 21, 2011

.....J.
(H.L. GOKHALE)