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T.P.(C) No. 389 OF 2000

ITEM No.22

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.389/2000

MAMATHA N. KANYAWAR

Petitioner (s)

VERSUS

NITESH S. KANYAWAR

Respondent (s)

(With Appln(s). for stay)

Date : 19/10/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.P. BHARUCHA
HON'BLE MR. JUSTICE Y.K. SABHARWAL
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s) Mr. Vijaya Bhaskar, Adv.
Mr. D. Mahesh Babu,Adv.

For Respondent (s) Ms. Kiran Suri,Adv.

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

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The transfer petition is allowed.
No order as to costs.

.SP1 (N. Annapurna) (Shelly Sengupta)
Court Master Court Master

(Signed order is placed on the file.)

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IN THE SUPREME COURT OF INDIA@@
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CIVIL ORIGINAL JURISDICTION@@
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TRANSFER PETITION (CIVIL) NO. 389 OF 2000@@
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Mamatha N. Kanyawar

...Petitioner(s)

Versus

Nitesh S. Kanyawar

...Respondent(s)

O R D E R@@
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This is a transfer petition by the wife. She seeks the transfer of divorce proceedings filed by the husband before the Family Court at Bandra, Mumbai, to the Family Court at Hyderabad, Andhra Pradesh where she now resides. It is her case that she is unemployed and has no income. It is an admitted position that she has filed an application for maintenance before the Family Court at Hyderabad. Also, that a compliant filed by her under Section 498 Cr.P.C. is pending in a court at Hyderabad.

It is the submission on behalf of the husband that since he has already to travel twice from Mumbai to Hyderabad to defend these proceedings, it is equitable that the wife should travel from Hyderabad to Mumbai to defend the divorce proceedings. We do not see the equity in this. We think that it is appropriate that the transfer petition should be allowed and, accordingly, it is made absolute.

The divorce proceedings (Petition No.A-650 of 2000)
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pending before the Family Court, Bandra, Mumbai shall stand transferred to the appropriate Family Court, Hyderabad, Andhra Pradesh.

No order as to costs.

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(S.P. BHARUCHA)@@
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(Y.K. SABHARWAL)@@
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(ASHOK BHAN) @@
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New Delhi,@@

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October 19, 2001. @@

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