

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 549 OF 2011

M.C. PRIYAMVADA

Petitioner(s)

VERSUS

IVAN JERARD BURGESS

Respondent(s)

O R D E R

1. Despite service of notice, the respondent-husband has neither appeared to oppose the transfer petition, nor is any one present on his behalf today in Court.

2. This petition has been filed on behalf of the petitioner-wife, praying for transfer of F.C.O.P.No. 625 of 2010, titled as Ivan Jerard Burgess Vs. M.C.Priyamvada, pending before the Family Court, Visakhapatnam, Andhra Pradesh, to the Family Court at Kozhikode, Kerala.

3. From the grounds it appears that the petitioner is living with her old parents and attending the courts at Visakhapatnam at the instance of the husband, will be difficult for her having regard to the distance between Visakhapatnam and Kozhikode.

4. Apart from the above, certain other grounds have also been taken about the personal safety of the petitioner, if she were to attend the courts at

-2-

Transfer Petition(Crl.)549/11

Visakhapatnam.

5. In that view of the matter, we allow the transfer petition and direct that F.C.O.P.No. 625 of 2010, pending before the Family Court, Visakhapatnam, Andhra Pradesh, be transferred to the Family Court at Kozhikode, Kerala.

.....J.
(ALTAMAS KABIR)

.....J.
(SURINDER SINGH NIJJAR)

.....J.
(FAKKIR MOHAMED IBRAHIM KALIFULLA)

NEW DELHI;
April 04, 2012.
ITEM NO.37

COURT NO.2

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). 549 OF 2011

M.C. PRIYAMVADA

Petitioner(s)

VERSUS

IVAN JERARD BURGESS

Respondent(s)

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

Date: 04/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE FAKKIR MOHAMED IBRAHIM KALIFULLA

For Petitioner(s) Mr. Jaimon Andrews, Adv.
Mr. Robin V.S., Adv.
Mr. Naresh Kumar, AOR.

For Respondent(s)

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

In terms of the signed order, the transfer petition
is allowed and it is directed that F.C.O.P.No. 625 of
2010, pending before the Family Court, Visakhapatnam,
Andhra Pradesh, be transferred to the Family Court at
Kozhikode, Kerala.

(Sheetal Dhingra) (Juginder Kaur)
COURT MASTER Assistant Registrar
[Signed order is placed on the file]