

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 632 OF 2012

RANU VIJAY DUBEY

Petitioner(s)

VERSUS

VIJAY KAILASHNATH DUBEY

Respondent(s)

O R D E R

Interlocutory Application No. 3 of 2012 is granted and the petitioner is permitted to replace page Nos. C, D, 3, 4, 6, 7, 13, 14 and 16 forthwith.

2. This is wife's petition seeking transfer of matrimonial proceedings being Marriage Petition No. A-442 of 2011 titled "Vijay Kailashnath Dubey Vs. Ranu Vijay Dubey" filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 from the Family Court, Aurangabad, Maharashtra to the Court of District Judge, Jaipur, Rajasthan.

3. Notice of the transfer petition was issued and has been served on the respondent. Despite service, respondent has chosen not to appear.

4. We have perused the averments made in the transfer petition which remain untraversed and undenied.

5. The petitioner-wife is residing at Jaipur, Rajasthan. Therefore, we are satisfied that greater hardship shall be caused to the petitioner-wife if the above matrimonial proceedings are allowed to be continued at Aurangabad, Maharashtra.

6. We, accordingly, allow the transfer petition and transfer matrimonial proceedings being Marriage Petition No. A-442 of 2011 titled "Vijay Kailashnath Dubey Vs. Ranu Vijay Dubey" from the Family Court, Aurangabad, Maharashtra to the Court of District Judge, Jaipur, Rajasthan. It will be open to the District Judge, Jaipur, Rajasthan to transfer the above transferred case for disposal to any other competent court within his jurisdiction.

7. The Family Court, Aurangabad, Maharashtra shall transmit the entire record and proceedings of the above transferred case to the transferee Court without any delay. No costs.

.....J.
(R.M. LODHA)

NEW DELHI;
AUGUST 24, 2012

.....J.
(ANIL R. DAVE)

ITEM NO.53

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). 632 OF 2012

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VERSUS

VIJAY KAILASHNATH DUBEY

Respondent(s)

(With appln(s) for stay and permission to replace the page
and office report)

Date: 24/08/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)

Mr. Rakesh Dahiya, Adv.
Mr. Gagan Deep Sharma, Adv.
Ms. Preeti Singh, Adv.

For Respondent(s)

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

Interlocutory Application No. 3 of 2012 is granted and the
petitioner is permitted to replace page Nos. C, D, 3, 4,
6, 7, 13, 14 and 16 forthwith.

Transfer petition is allowed in terms of the signed order.

|(Rajesh Dham)
|Court Master

|(Renu Diwan)
|Court Master

(signed order is placed on the file)