

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 616 OF 2012

POOJA JINDAL Petitioner(s)

VERSUS

VISHAL JINDAL Respondent(s)

WITH

TRANSFER PETITION (CRIMINAL) NO. 239 OF 2012

O R D E R

TRANSFER PETITION (CRIMINAL) NO. 239 OF 2012

Heard.

2. Transfer Petition is dismissed.
TRANSFER PETITION (CIVIL) NO. 616 OF 2012

This is wife's petition seeking transfer of matrimonial case being Hindu Marriage Petition No. A-221 of 2012 titled "Vishal Jindal Vs. Pooja Jindal" pending before the Family Court No. 3, Nagpur, Maharashtra to the Family Court at Raigarh, Chhattisgarh.

2. Notice of the Transfer Petition has been served on the respondent. In opposition to the Transfer Petition, the respondent has filed counter affidavit. Petitioner has also filed rejoinder affidavit.

3. As a matter of fact, vide order dated March 19, 2013, this Transfer Petition along with Transfer Petition (Criminal) No. 239 of 2012 was referred to the Supreme Court Mediation Centre (for short, 'Centre) for resolution of the disputes between the parties through the process of mediation. The Centre has reported that mediation could not succeed.

4. We have heard learned senior counsel for the petitioner and learned counsel for the respondent and have also perused the averments made in the Transfer Petition, the counter affidavit and the rejoinder affidavit.

5. It is not in dispute that the petitioner-wife is residing at Raigarh, Chhattisgarh.

6. Having regard to this fact we are satisfied that, if the proceedings in the above case are allowed to be continued at Nagpur, Maharashtra, greater hardship shall be caused to the petitioner-wife.

7. We, accordingly, allow the Transfer Petition and transfer matrimonial case being Hindu Marriage Petition No. A-221 of 2012 titled "Vishal Jindal Vs. Pooja Jindal" pending before the Family Court No. 3, Nagpur, Maharashtra to the Principal Judge, Family Court, Raigarh, Chhattisgarh. The transferrer court shall transmit the record and proceedings of the transferred case to the transferee court without any delay.

8. The transferee court is requested to hear and decide the

transferred case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the transferred case.

9. No costs.

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

NEW DELHI;J.
JANUARY 2, 2014 (SHIVA KIRTI SINGH)
ITEM NO.49 COURT NO.2 SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CIVIL.) NO(s). 616 OF 2012

POOJA JINDAL Petitioner(s)

VERSUS

VISHAL JINDAL Respondent(s)

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

WITH

T.P.(CRL) NO. 239 of 2012
(With appln.(s) for stay and office report)

Date: 02/01/2014 These Petitions were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s)

TP 616/2012 Mr. Dhruv Mehta, Sr. Adv.
Mr. Shyam Divani, Adv.
Mr. Gagan Sanghi, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

TP 239/2012 Mr. Ankur Mittal, Adv.
Mr. U.C. Mittal, Adv.
Ms. Nidhi Mittal, Adv.
Ms. Ishan Jain, Adv.

For Respondent(s)

TP 616/2012 Mr. Ankur Mittal, Adv.
Mr. Ankur Mittal, Adv.
Mr. U.C. Mittal, Adv.
Ms. Nidhi Mittal, Adv.
Ms. Ishan Jain, Adv.

TP 239/2012 Mr. Rameshwar Prasad Goyal, Adv.

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

TRANSFER PETITION (CRIMINAL) NO. 239 OF 2012

Transfer Petition is dismissed in terms of the signed order.

TRANSFER PETITION (CIVIL) NO. 616 OF 2012

Transfer Petition is allowed in terms of the signed order.

|(Rajesh Dham)
|Court Master

| |(Renu Diwan)
| |Court Master

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(signed order is placed on the file)