ITEM NO.3 COURT NO.11 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). 470 OF 2010[FOR PREL. HEARING]

ASHA SOOD Petitioner(s)

VERSUS

PATRAM GUPTA & ANR. Respondent(s)

(With appln(s) for ex-Parte stay)

Date: 13/05/2010 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Rohit Sharma,Adv.
For Mr. Abhijat P. Medh,Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

This is a petition for transfer of Civil Suit No.39 of 2.2.2010 filed by the respondent for specific performance of agreement for sale dated 2.7.2007 which is pending in the Court of Civil Judge, Hisar (Haryana) to the court of competent jurisdiction at New Delhi.

Having heard the learned counsel for the petitioner at some length, we are satisfied that the petitioner has failed to make out a case for transfer of the civil suit from Hisar (Haryana) to New Delhi. The mere fact that the petitioner is 76 years old and is suffering from some ailments does not justify transfer of the suit from Hisar to Delhi because she herself filed Civil Suit No.5-C/2004 in the court of Civil Judge, Hisar and had taken treatment in Fortis Hospital at Mohali (Punjab). If

the petitioner could travel to Hisar for prosecuting her cause, it is not possible to accept her plea that she will not be able to contest the suit filed by respondent no.1, which is pending at Hisar.

For the reasons stated above, the transfer petition is dismissed.

(A.D. Sharma)
Court Master

(Phoolan Wati Arora)
Court Master