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T.P.(C) No. 428 OF 2003
ITEM No.37

Court No. 3

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.428/2003

RUCHI GUPTA

Petitioner (s)

VERSUS

VINEET GUPTA

Respondent (s)

(With Appln(s). for stay)

Date : 19/01/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.C. LAHOTI
HON'BLE MR. JUSTICE ASHOK BHAN

For Petitioner (s)Mr. Gaurav Jain, Adv.
Ms. Abha Jain, Adv.

For Respondent (s)Mr. S. Sadasiva Reddy, Adv.
Ms. S. Usha Reddy, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed in terms of the signed order.

The parties through their respective counsel are directed to appear before the Family Court, Nainital on 8th March, 2004.

No order as to costs.

KALYANI

(RADHA R. BHATIA)
COURT MASTER

(SIGNED ORDER IS PLACED ON THE FILE.)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 428 OF 2003

RUCHI GUPTA

.....

PETITIONER (S)

VERSUS

VINEET GUPTA

.....

RESPONDENT (S)

O R D E R

The respondent-husband has filed a petition for seeking decree of divorce under Section 13(1) of the Hindu Marriage Act being O.P. No. 18/2003 before the Family Court at Secunderabad (Andhra Pradesh). The petitioner-wife is residing at Ram Nagar in Uttaranchal. This is a petition filed by the petitioner-wife seeking transfer of the above-said proceedings from Family Court, Secunderabad to Family Court at Nainital.

Having heard the learned counsel for the parties, but without expressing any opinion on the allegations and counter allegations made against one another, which are subjudice in the main proceedings, we are of the opinion that it will be for better convenience of the parties and in the interest of justice if the proceedings are directed to be transferred from Family Court, Secunderabad (Andhra Pradesh) to Family Court, Nainital (Uttaranchal). Accordingly, the transfer petition is allowed. It is directed that O.P. No. 18/2003 titled "Vineet Gupta Vs. Ruchi Gupta" pending in the Family Court, City Civil Courts, at Secunderabad (Andhra Pradesh) shall stand transferred to the Family Court, Nainital (Uttaranchal).

The Presiding Officer, Family Court at Secunderabad shall, soon on communication of this order, transfer the record of proceedings in O.P. No. 18/2003 titled as "Vineet Gupta Vs. Ruchi Gupta" to the Family Court (or Principal Family Court, if there be more than one), who may try the petition himself or make over the same for hearing and disposal in accordance with law to a Court of competent jurisdiction subordinate to him.

The respondent has expressed apprehension of being man-handled while at Nainital to participate in the court proceedings. The learned counsel undertakes on behalf of the petitioner present in the Court that no such incident shall take place and the respondent shall have full liberty of participating in the Court proceedings. In the event of an occasion arising for the purpose, the respondent shall be at liberty to move the Family Court, Nainital for extending suitable protection to whim while participating in the court proceedings or for a recall of this order.

The parties through their respective counsel are directed to appear before the Court of Family Court, Nainital on 8th March, 2004.

No order as to the costs.

.....J
(R.C. LAHOTI)

.....J
(ASHOK BHAN)

NEW DELHI;
JANUARY 19, 2004.