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T.P.(C) No. 496 OF 2001

ITEM No.21

Court No. 5

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.496/2001

ANURADHA SHINHA

Petitioner (s)

VERSUS

RAKESH ROSHAN SINHA

Respondent (s)

(With Appln(s). for stay and Office Report)

Date : 11/03/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SYED SHAH MOHAMMED QUADRI
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s) Mr. TN. Singh, Adv.
Mr. VK. Singh, Adv.

For Respondent (s)

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

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The Transfer Petition is allowed. No costs.

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(S.Thapar) (Kanwal Singh)@@
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PS to Registrar Court Master@@
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The signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

TRANSFER PETITION (CIVIL) NO. 496 OF 2001@@
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Anuradha Sinha Petitioner (s)

Versus

Rakesh Roshan Sinha Respondent (s)

O R D E R@@
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The petitioner is the wife of the respondent. The respondent filed a petition M.J.Petition No.A-818 of 2000 titled Rakesh Roshan Sinha Vs. Anuradha Sinha before the@@
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Family Court at Bandra, Mumbai for dissolution of marriage. The petitioner has also filed a petition under Section 9 of the Hindua Marriage Act, 1955 for restitution of conjugal rights before the Court of District & Sessions Judge, Rohtas at Sasaram (Bihar) being Matrimonial Case No.46 of 2000.

On the ground that the petitioner is not in a position to go to Mumbai to defend the case filed by the husband, she seeks transfer of that case to Rohtas, Sasaram (Bihar)

Though notice was served on the respondent, he did not choose to enter appearance. On February 18, 2002 when the case was taken up, none appeared for the respondent, so we adjourned the case to enable the respondent to enter appearance. Even today, none appears for the respondent.

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In view of the averments made by the petitioner we consider it just and appropriate to transfer M.J. Petition NO.A-818 of 2000 titled Rakesh Roshan Sinha Vs. Anuradha@@
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Sinha pending before the Family Court at Bandra, Mumbai to@@
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Rohtas at Sasaram (Bihar).

The petition is accordingly allowed. No costs.

.....J
(Syed Shah Mohammed Quadri)

New Delhi,
March 11. 2002

.....J
(S.N. Variava)