

ITEM NO.11

COURT NO.12

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(s)(Civil) No(s). 1108/2013

SUBHASREE BASUMATARY(NEE ISWARARY)

Petitioner(s)

VERSUS

SURAJ BASUMATARY S/O RAJENDRA

Respondent(s)

WITH

T.P.(C) No. 1190/2013

(With prayer for and stay and Office Report)

Date : 09/07/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE MADAN B. LOKUR

HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s)

Mr. Jaishanker Agrawala, Adv.

Ms. Sita Agrawala, Adv.

Dr. R. R. Deshpande ,Adv.

Mr. Prachiti R.Deshpande, Adv.

Mr. Yuvraj Gaikwad, Adv.

For Respondent(s)

Mr. P. K. Jain ,Adv.

Mr. P.K. Goswami, Adv.

Mr. Saurabh Jain, Adv.

UPON hearing the counsel the Court made the following

Signature Not Verified

O R D E R

Digitally signed by

T.P (C) No. 1108 of 2013

Meenakshi Kohli

Date: 2014.08.23

06:14:39 IST

Reason:

The transfer petition is dismissed in terms of the Signed Order.

T.P. (C) No. 1190 of 2013

The Transfer Petition is disposed of in terms of the Signed Order.

(MEENAKSHI KOHLI)  
COURT MASTER

(JASWINDER KAUR)  
COURT MASTER

[Signed Order is placed on the file]

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REVISED

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No(s). 1108/2013

SUBHASREE BASUMATARY(NEE ISWARARY)

Petitioner(s)

VERSUS

SURAJ BASUMATARY S/O RAJENDRA

Respondent(s)

AND

T.P.(C) No. 1190/2013

O R D E R

T.P (C) No. 1108 of 2013

This matter pertains to transfer of divorce proceedings pending in the Court of Principal Judge, Family Court, Kamrup Guwahati - 9, Assam to Family Court South 24 Parganas, Kolkata, West Bengal.

It is informed by learned counsel for the petitioner that the divorce petition has been withdrawn.

Under the circumstances, the transfer petition is dismissed as having become infructuous.

T.P. (C) No. 1190 of 2013

This is a transfer petition relating to custody proceedings of the girl child - Priyanka.

We have heard learned counsel for the parties and also

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interacted with the child.

It appears that the settlement arrived at between the parties has broken down.

Under the circumstances, keeping in mind the averments made as well as counter affidavit filed on behalf of the respondent, we transfer the custody proceedings being Misc. Case (G) No. 68 of

2013 titled as Shri Suraj Basumatary v. Smt. Subhasree Basumatary pending in the court of Principal Judge, Family Court at Kamrup, Guwahati - 9, Assam to the competent court of Civil Judge, Family Court, South 24 Parganas, Kolkata, West Bengal.

Since the settlement entered into between the parties has broken down, the transferee court will not take that into consideration.

Since the child - Priyanka was produced by her father, he may take the child back with him.

Advocate - N. Vidya has rendered great assistance in this matter on 8.07.2014 and 9.7.2014 particularly in comforting Priyanka. While acknowledging and appreciating the assistance rendered by her, we direct Supreme Court Legal Services Committee to pay her an amount of Rs. 15,000/-.

The Transfer Petition is disposed of.

.....J.  
[Madan B. Lokur]

.....J.  
[Kurian Joseph]

NEW DELHI  
JULY 09, 2014

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ITEM NO.11 COURT NO.12 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(s)(Civil) No(s). 1108/2013

SUBHASREE BASUMATARY(NEE ISWARARY) Petitioner(s)

VERSUS

SURAJ BASUMATARY S/O RAJENDRA Respondent(s)

WITH  
T.P.(C) No. 1190/2013  
(With prayer for and stay and Office Report)

TP (Crl.) No. 7/2014

Date : 09/07/2014 This petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE MADAN B. LOKUR  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Jaishanker Agrawala, Adv.  
Ms. Sita Agrawala, Adv.  
Dr. R. R. Deshpande, Adv.  
Mr. Prachiti R. Deshpande, Adv.

Mr. Yuvraj Gaikwad, Adv.

For Respondent(s) Mr. P. K. Jain ,Adv.  
Mr. P.K. Goswami, Adv.  
Mr. Saurabh Jain, Adv.

UPON hearing the counsel the Court made the following

O R D E R

T.P (C) No. 1108 of 2013

The transfer petition is dismissed in terms of the Signed Order.

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T.P. (C) No. 1190 of 2013

The Transfer Petition is disposed of in terms of the Signed Order.

T.P. (Crl.) 7 of 2014

The Transfer Petition is dismissed in terms of the Signed Order.

(MEENAKSHI KOHLI)  
COURT MASTER

(JASWINDER KAUR)  
COURT MASTER

[Signed Order is placed on the file]

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

Transfer Petition(s)(Civil) No(s). 1108/2013

SUBHASREE BASUMATARY(NEE ISWARARY)

Petitioner(s)

VERSUS

SURAJ BASUMATARY S/O RAJENDRA

Respondent(s)

AND

T.P.(C) No. 1190/2013

AND

TP (Crl.) No. 7/2014

O R D E R

T.P (C) No. 1108 of 2013

This matter pertains to transfer of divorce proceedings

pending in the Court of Principal Judge, Family Court, Kamrup Guwahati - 9, Assam to Family Court South 24 Parganas, Kolkata, West Bengal.

It is informed by learned counsel for the petitioner that the divorce petition has been withdrawn.

Under the circumstances, the transfer petition is dismissed as having become infructuous.

T.P. (C) No. 1190 of 2013

This is a transfer petition relating to custody proceedings of the girl child - Priyanka.

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We have heard learned counsel for the parties and also interacted with the child.

It appears that the settlement arrived at between the parties has broken down.

Under the circumstances, keeping in mind the averments made as well as counter affidavit filed on behalf of the respondent, we transfer the custody proceedings being Misc. Case (G) No. 68 of 2013 titled as Shri Suraj Basumatary v. Smt. Subhasree Basumatary pending in the court of Principal Judge, Family Court at Kamrup, Guwahati - 9, Assam to the competent court of Civil Judge, Family Court, South 24 Parganas, Kolkata, West Bengal.

Since the settlement entered into between the parties has broken down, the transferee court will not take that into consideration.

Since the child - Priyanka was produced by her father, he may take the child back with him.

Advocate - N. Vidya has rendered great assistance in this matter on 8.07.2014 and 9.7.2014 particularly in comforting Priyanka. While acknowledging and appreciating the assistance rendered by her, we direct Supreme Court Legal Services Committee to pay her an amount of Rs. 15,000/-.

The Transfer Petition is disposed of.

T.P. (Cr1.) 7 of 2014

Taken on board along with TP (C) No. 1108 of 2013 and T.P. (C) No. 1190 of 2013.

The Transfer Petition is dismissed.

.....J.  
[Madan B. Lokur]

.....J.  
[Kurian Joseph]

NEW DELHI  
JULY 09, 2014