

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 912 OF 2013

RASHMI BINAYKIA

Petitioner(s)

VERSUS

SANDEEP KUMAR JAIN

Respondent(s)

O R D E R

This is wife's petition seeking transfer of matrimonial case being O.P. No. 304 of 2013 titled "Sandeep Kumar Jain Vs. Rashmi Binaykia" from the Court of Family Judge, City Civil Court, Hyderabad, Andhra Pradesh to the Court of District Judge, Alipore, West Bengal.

2. Notice of the Transfer Petition has been issued to the respondent. Despite service of notice, the respondent has chosen not to appear and contest the Transfer Petition. The averments contained in the Transfer Petition, thus, remain untraversed and undenied.

3. We have perused the averments contained in the Transfer Petition. Having regard to the fact the petitioner-wife is residing in Kolkata, West Bengal, we are satisfied that, if the proceedings in the above mentioned petition are allowed to be continued at Hyderabad, Andhra Pradesh, greater hardship shall be caused to the petitioner-wife.

4. We, accordingly, allow the Transfer Petition and transfer matrimonial case being O.P. No. 304 of 2013 titled "Sandeep Kumar Jain Vs. Rashmi Binaykia" from the Court of Family Judge, City Civil Court, Hyderabad, Andhra Pradesh to the Principal District Judge, Alipore, West Bengal. It will be open to the Principal District Judge, Alipore, Kolkata to either retain the transferred case with him for disposal or transfer the above case for disposal to any other competent court under his jurisdiction.

5. The transferrer court shall transmit the record and proceedings of the transferred case to the transferee court without any delay.

6. 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.

7. No costs.

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

NEW DELHI;J.
JANUARY 2, 2014 (SHIVA KIRTI SINGH)

ITEM NO.63 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). 912 OF 2013

RASHMI BINAYKIA Petitioner(s)

VERSUS

SANDEEP KUMAR JAIN Respondent(s)

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

Date: 02/01/2014 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s)

Mr.Gaurav Agrawal,Adv.

For Respondent(s)

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

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)