

ITEM NO.58

COURT NO.13

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). 755 OF 2011

ANU @ SONIA

Petitioner(s)

VERSUS

ROHIT SURINDER SHARMA

Respondent(s)

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

Date: 17/10/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE DR. JUSTICE B.S. CHAUHAN
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Rajesh Kumar,Adv.
Mr. Sarv Mitter,Adv.
for M/S Mitter & Mitter Co.,Adv.

For Respondent(s)

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

In terms of the signed order, the Transfer Petition is allowed and case HMP No.28 of 2011 titled as "Rohit Surinder Sharma vs. Anu @ Sonia" pending before Civil Judge (SD), Panvel (Navi Mumbai) is ordered to be transferred to District Judge, Karnal, who shall either try the case himself or assign it to the court of competent jurisdiction at Karnal.

The Court concerned at Panvel is directed to transmit the record of the case to the learned District Judge, Karnal.

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(O.P. Sharma) (M.S. Negi)
Court Master Court Master
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 755 OF 2011

ANU @ SONIA

Petitioner

VERSUS

O R D E R

This petition is filed by the wife seeking transfer of petition for dissolution of marriage filed by the husband under Section 13 of the Hindu Marriage Act, 1955, pending before Civil Judge (SD), Panvel (Navi Mumbai). The petitioner alleges that she is residing in Karnal; that the complaint filed by her against respondent-husband under sections 406, 498-A is pending before Illaqa Magistrate, Karnal; that the complaint filed by her against the respondent under Section 12 of the Protection of Women from Domestic Violence Act, 2005 is also pending before Illaqa Magistrate, Karnal; that it would be difficult for her to attend the court proceeding at Panvel (Navi Mumbai) which is approximately 1600 kms. from Karnal; and that the petitioner has no regular and permanent source of income to meet the expenses of long journey.

2. Respondent though served has not entered appearance. On the facts and circumstances, we consider
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this a fit case for transfer.

3. Accordingly, Transfer Petition is allowed and case HMP No.28 of 2011 titled as "Rohit Surinder Sharma vs. Anu @ Sonia" pending before Civil Judge (SD), Panvel (Navi Mumbai) is ordered to be transferred to District Judge, Karnal, who shall either try the case himself or assign it to the court of competent jurisdiction at Karnal.

4. The Court concerned at Panvel is directed to transmit the record of the case to the learned District Judge, Karnal.

.....J.
[DR. B.S. CHAUHAN]

NEW DELHI
OCTOBER 17, 2011

.....J.
[A.K. PATNAIK]