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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1041 OF 2013

NIDHI SHARMA

PETITIONER(s)

VERSUS

RACHIT SHARMA

RESPONDENT(s)

O R D E R

This is wife's petition for transfer of matrimonial case being H.M. Misc. Petition No. 5 of 2013, titled as "Rachit Sharma vs. Nidhi Sharma", from the court of Additional District & Sessions Judge, Fast Track Court, Chamba, Himachal Pradesh to the court of Additional District Judge (Matrimonial Causes Court), Jammu.

2. The notice of Transfer Petition has been served on the respondent and he has filed counter-affidavit in opposition to the Transfer Petition. The main ground for opposition is set-out in paragraph 3(v) of the counter-affidavit, which reads as under:

"The respondent has to take care of his father, who is 77 years old and a heart patient, who underwent an open heart bypass surgery at Fortis, Chandigarh in June, 2011 due to which he was put on strict bed rest for 6-8 months. Also, he subsequently started suffering from Diffuse Cerebral Atrophy thus leading to partial paralysis and partial Parkinson's disease. The respondent also has to take care of his mother, who is 61 years old and had an increased attack of severe osteo-arthritis and other associates ailments due to which her movement too became extremely limited. The respondent also has to take care of his sister who is 37 years old and has been suffering from Spastic Cerebral Palsy since birth due to which she is completely disabled and requires a constant attendant round the clock. The respondent being the sole bread earner of the family has to manage the Homeopathy and Ayurvedic Clinic as well."

3. There may be some merit in the submission of the learned counsel for the respondent so far as ailing family members are concerned but it is submitted before us that the respondent has one attendant in the family. In this view of the matter, we are of the view that if the proceedings in the above matrimonial case are allowed to be continued at Chamba (Himachal Pradesh), greater hardship shall be caused to the petitioner as she is residing in Jammu.

4. We, accordingly, allow the transfer petition and transfer matrimonial case being H.M. Misc. Petition No. 5 of 2013, titled as "Rachit Sharma vs. Nidhi Sharma", from the court of Additional District & Sessions Judge, Fast Track Court, Chamba, Himachal Pradesh to the court of Additional District Judge (Matrimonial Cases), Jammu.

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

Date: 22/11/2013 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. Anupam Raina, Adv. for
Mr. Deepak Goel, Adv.

For Respondent(s) Dr. Vikrant Narayan Vasudeva, Adv. for
Mr. Naresh Kumar, Adv.

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

Transfer Petition is allowed in terms of signed order. No
costs.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]