

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.571/2004

PRATIBHA KHEMKA

Petitioner (s)

VERSUS

SANJAY KUMAR KHEMKA
(With Appln(s). for stay)

Respondent (s)

Date : 19/11/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Mr. Rajiv Talwar,Adv.

Mr. Ajay Talesara, Adv.

For sole Respondent Mr. Anuj Soni, Adv.

Mr. S.K. Sabbarwal,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petition is disposed of in terms of the signed order.

Anita

(Jasbir Singh)

Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 571 OF 2004

PRATIBHA KHEMKA

Petitioner

Versus

SANJAY KUMAR KHEMKA

...

Respondent

O R D E R

Heard parties.

This is wife's Petition for transfer of H.M. No. 54A of 2003 from Family Court at District Satna (MP) to the Family Court at District Barabanki (UP) on the ground that being a single lady it is difficult for her to travel 600 Kms. It is claimed that there is no direct transportation between the two places. It is also stated, and not denied, that she has small son who is studying in 1st standard and who has recently had a cataract operation. She therefore requires to be with her son which makes it difficult for her to travel. It is further stated that she has aged parents who are not in a position to travel with her and that her mother has recently suffered a heart attack.

The Petition is opposed by the husband-Respondent mainly on the ground that if he has to go to Barabanki there will be threat to his life inasmuch as that is a crime infected area and the Petitioner has already threatened that if he comes to Barabanki he will be killed. Respondent offers to pay for all travel expenses, over and above, the sum of Rs. 3,000/- already directed to be paid by the Family Court.

In our view, the convenience of the lady has to be kept in mind. The grounds made out in the Petition are sufficient for the purpose of a transfer. However, considering the Respondent's apprehension also, we feel that ends of justice will be served if the case is transferred to an appropriate Court in Lucknow. We accordingly direct that Case No. 54A of 2003 be transferred from Family Court, Satna to the District Judge, Lucknow who shall either hear it himself or place it before an appropriate Court. The Respondent to continue to pay Rs. 3,000/- to the Petitioner as per the Family Court Order.

The Transfer Petition stands disposed of accordingly.

.....J.

(S.N. Variava)

.....J.

(H.K. Sema)

New Delhi,
November 19, 2004.