

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

TRANSFER PETITION (CRIMINAL) NO(s). 266 OF 2004

B.H.VENKAT RAO @ MURALI
Petitioner(s)

VERSUS

BHAMIDIPATI VIZIA & ANR.

Respondent(s)

(With appln(s) for stay and c/delay in filing counter affidavit)

Date: 10/02/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Ms. Sunita Sharma, Adv.

For Respondent(s)

Mr. Swetank, Adv.

Mr. Rajiv Talwar, Adv.

UPON hearing counsel the Court made the following

O R D E R

Delay in filing the counter affidavit is condoned.

The transfer petition is allowed.

(Parveen Kr. Chawla)

(Kanwal S

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Court Master

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(The signed order is placed on the file].

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO. 266 OF 2004

B.H.Venkat Rao @ Murali

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Bhamidipati Vizia & Anr.

Respondent (s)

O R D E R

Husband-petitioner has filed the present Transfer Petition for transfer of Maintenance Application being MC No. 3 of 2004 [Bhamidipati Vizia and Another v. B.H.Venkat Rao @ Murali] instituted by his wife, respondent herein, in the Court of Judicial Magistrate Ist Class at Salur, Distt. Vijayanagaram, Andhra Pradesh to the Court of CJM, Midnapur, Distt. Paschim Midnapur, West Bengal.

It is stated in the Transfer Petition that in an accident, both legs of the petitioner were injured. Steel plates were inserted in the right leg and the left leg has been amputated and, therefore, the petitioner is unable to walk. The distance between Salur, Distt. Vijayanagaram, Andhra Pradesh (where the maintenance application is pending) and Midnapur, Distt. Paschim Midnapur, West Bengal (the residence of the husband-petitioner) is

about 1200 kilometers. It would not be possible for the petitioner to travel from Midnapur, West Bengal to Salur, Andhra Pradesh because of physical reasons .

Counsel appearing for the respondent-wife does not oppose the transfer of the case from Salur, Andhra Pradesh to Midnapur, West Bengal provided husband is willing to pay all travel and stay expenses of the wife and a companion on each occasion when she has to attend the Court at Midnapur, West Bengal.

Counsel appearing for the husband states that he is prepared to bear the aforesaid expenses.

In view of the foregoing statement made by the counsel for the petitioner-husband, we allow this petition from Salur, Distt. Vijayanagaram, Andhra Pradesh to Midnapur, West Bengal subject to the condition that the petitioner-husband shall bear to and fro travel expenses [from Salur, Distt. Vijaynagaram, Andhra Pradesh to Midnapur, Distt. Paschim Midnapur (West Bengal)] by IInd class sleeper and stay expenses in a hotel, keeping in view the status of the wife-respondent, and her one companion on each occasion when the wife attends the Court at Midnapur, West Bengal.

The District Judge, Salur, Distt. Vijaynagaram, Andhra Pradesh is directed to transmit the entire record of afore-mentioned case forthwith to the District Judge, Midnapur, West Bengal who on receipt of the same may assign it to a court of competent jurisdiction for disposal in accordance with law.

Subject to the above, this transfer petition stands allowed.

.....J.
(ASHOK BHAN)

New Delhi;
February 10, 2006.

.....J.
(TARUN CHATTERJEE)