

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 405 OF 2007

KAVITA MANOCHA

Petitioner(s)

VERSUS

ASHWINI MANOCHA

Respondent(s)

(With appln(s) for stay)

WITH T.P.(CRL) NO. 187 of 2007

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

Date: 23/03/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE J.M. PANCHAL

For Petitioner(s)

Mr. Praveen Swarup, Adv.

For Respondent(s)

Ms. Vibha Datta Makhija, Adv.

UPON hearing counsel the Court made the following
ORDER

Transfer petitions are dismissed in terms of the signed order.

(Ravi P. Verma)
Court Master

(Anand Singh)
Assistant Registrar

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO. 405 OF 2007

KAVITA MANOCHA

.....PETITIONER(S)

Versus

ASHWINI MANOCHA

.....RESPONDENT(S)

WITH TRANSFER PETITION(CRL) NO.187/2007

ORDER

TRANSFER PETITION(C) NO.405 OF 2007

This petition is filed by the wife for transferring the divorce
petition filed by the husband from Bhopal to Delhi. The respondent-
husband, though served, has not entered appearance. When the matter

came up today, the learned counsel for the petitioner submitted that she had also filed a divorce petition against her husband at Delhi and that divorce petition has been allowed ex-parte on 3rd March 2009, and that in view of it, the divorce petition filed by the husband, transfer of which is sought, has become infructuous and consequently this transfer petition has become infructuous. Learned counsel for the petitioner therefore submitted that this transfer petition may be dismissed as having become infructuous with liberty to file fresh petition in the event it becomes necessary to proceed with the divorce petition filed by the husband. Transfer petition is dismissed reserving liberty accordingly.

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TRANSFER PETITION(CRL) NO.187 OF 2007

The petitioner is the wife of second respondent. On her complaint, an FIR under Section 498A IPC was registered at Bhopal and the matter is now pending in Case No. 2400/04 before the Judicial Magistrate at Bhopal. Her grievance is that the husband-accused has been taking time repeatedly and it has become difficult for her to frequently travel to Bhopal. We find that by itself, may not be a sufficient ground for transfer of the matter pending in the Bhopal Court, on the facts and circumstances.

However, we are sure that if the petitioner appears before the Learned Magistrate and points out that the accused has been taking adjournments unnecessarily and prays that her evidence may be recorded, the request will be considered and the matter will be disposed of expeditiously. With the said observation, the transfer petition is dismissed.

.....J.
(R.V. RAVEENDRAN)

New Delhi;J.
March 23, 2009. (J.M. PANCHAL)