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T.P.(C) No. 599 OF 2004  
ITEM No.14

Court No. 5

SECTION XVIA  
A/N MATTER

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.599/2004

SMITA SINHA

Petitioner (s)

VERSUS

SUJIT KUMAR  
( With Appln(s). for stay and exemption from filing O.T. )

Respondent (s)

Date : 17/01/2005 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)

Ms. Minakshi Vij.,Adv. (SCLSC)

For Respondent (s)

Mr. S.K. Sinha,Adv.

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

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

Anita

(Gyan Bhatia)  
Court Master

(Signed order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 599 OF 2004

SMITA SINHA

...  
Petitioner

Versus

SUJIT KUMAR

...  
Respondent

O R D E R

Heard parties.

This is wife's Petition for transfer of Case No. 67/2003 titled Sujit Kumar vs. Smita Sinha from the Addl. District Judge 4th Gaya, Bihar to the Court of District Judge, New Delhi.

The Petitioner-wife claims that she has 1½ years old daughter whom she cannot leave alone or take to Gaya. She also claims that she has no independent source of income to meet the travelling, lodging and boarding expenses. In reply it is submitted that the Petitioner is living with her father in Patna and that proceedings had been adopted by her before the Bihar State Women Commission wherein her address was shown to be in Patna.

We have heard the parties. In the Petition it has been stated that the Petitioner had to shift to Delhi. The reasons given for so shifting are disputed facts with which we are not concerned in this Petition. However, the fact remains that she has shifted to Delhi and she has small child who cannot be left alone.

We, therefore, allow the Transfer Petition. Case No. 67/2003 is transferred from the Addl. District Judge 4th Gaya, Bihar to the District Judge, Delhi who shall either hear it himself or assign it to some other court of competent jurisdiction for disposal.

.....J.

(S.N. Variava)

.....J.

(H.K.Sema)

New Delhi,  
January 17, 2005.