

ITEM NO.71

COURT NO.5

SECTION XVIA

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(s). 545 OF 2009

RANJANA UMESHBHAI SHARMA

Petitioner(s)

VERSUS

UMESHBHAI AATMA PRAKASH SHARMA

Respondent(s)

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

WITH I.A.NO.3 (PERMISSION TO FILE SUPPLEMENTARY AFFIDAVIT)

Date: 30/11/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. Tanmay Mehta, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Sarad Kumar Singhania, Adv.
Ms. Rashmi Singhania, Adv.

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

We allow this petition in terms of the signed
order and direct transfer of HMP No.449 of 2009 titled
Umeshbhai Aatma Prakash Sharma Vs. Ranjana Umeshbhai
Sharma from the Family Court No.4, Ahmedabad, Gujarat to
the file of the District Judge, Rohini, Delhi, who may
either try the matter himself or assign it to the Court
of competent jurisdiction.

(Ravi P. Verma)
Court Master

(M.S. Negi)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C) NO. 545 OF 2009

RANJANA UMESHBHAI SHARMA

.....PETITIONER(S)

Versus

UMESHBHAI AATMA PRAKASH SHARMA

.....RESPONDENT(S)

O R D E R

This is wife's petition praying for transfer of the
petition for restitution of conjugal rights filed by the
respondent-husband under Section 9 of the Hindu Marriage

Act, 1956 from the Family Court, Ahmedabad, Gujarat to the District Court at Rohini, Delhi. The petitioner, who resides in Delhi, has alleged that she has to look after her small child; that various proceedings initiated by her against the respondent are already pending in Delhi courts; and that she finds it difficult to travel to Ahmedabad to defend the case.

2. The respondent contends that he is ready to take back the petitioner but because of the wrong advice by her father, she has been filing case after case at Delhi.

3. Having regard to the fact that the petitioner has a small child and all her cases are at Delhi, the proceedings in question requires to be transferred to Delhi.
.....2.

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4. We, accordingly, allow this petition and direct transfer of HMP No.449 of 2009 titled Umeshbhai Aatma Prakash Sharma Vs. Ranjana Umeshbhai Sharma from the Family Court No.4, Ahmedabad, Gujarat to the file of the District Judge, Rohini, Delhi, who may either try the matter himself or assign it to the Court of competent jurisdiction.

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

New Delhi;
November 30, 2009.

.....J.
(K.S. RADHAKRISHNAN)