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T.P.(C) No. 595 OF 2001

ITEM No. 32

Court No. 1

SECTION XVIA/
II
A/N MATTER

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

Transfer Petition (Civil) No. 595 of 2001@@
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ARTI KOHLI Petitioner (s)

VERSUS

CHANDRA MOHAN KOHLI Respondent (s)

(With Appln(s). for stay)

With S.L.P. (Crl.) No. 1382 of 2002 (For Prel. Hearing)
(With appln.(s) for directions)

Date : 08/04/2002 These Petitions were called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s) Mr. Siddhartha Dave,Adv.
In TC 595/01: Mr. Vishwajit Singh,Adv.

In SLP 1382/02: Mr. Sunil Kumar Jain,Adv.
Mr. Vijay Hansaria,Adv.
for M/s. Jain Hansaria & Co.,Advs.

For Respondent (s) Ms. Geetanjali Mohan,Adv.

In TC 595/01: Mr. Sunil Kumar Jain,Adv.
Mr. Vijay Hansaria,Adv.
for M/s. Jain Hansaria & Co.,Advs.

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

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T.P. (C) No. 595 of 2001:@@
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The transfer petition is made absolute in terms of the
signed order.

No order as to costs.

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S.L.P. (C) No. 1382 of 2002:@@
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On the application of learned counsel for the petitioner, the special leave petition is dismissed as withdrawn to enable the petitioner to move the competent court at Dehradun for orders of access.

(T.I. Rajput)
Court Master

(Shelly Sengupta)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

Transfer Petition (C) No.595 of 2001~@@
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Arti KohliPetitioner

Versus~

Chandra Mohan KohliRespondent

O R D E R@@
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This is a transfer petition by the wife. She seeks the transfer of matrimonial proceedings filed by the husband in Lucknow to Dehradun, where she now resides with the seven year old daughter of the marriage.

It is the wife's case that she is unemployed and has no other income of her own; that she would not be able to effectively defend the matrimonial proceedings in Lucknow nor would she be able to travel up and down leaving the daughter in Dehradun. In the counter, which has been filed by the husband, it is averred that the wife is not living at Dehradun but is residing with her brother at Delhi. That this averment is not correct is indicated by a writ petition filed by the father as natural guardian of the minor daughter against, inter alia, the wife in 2001. It shows the address of the wife to be the very address that is used in this transfer ...2/-

petition, namely the address at Dehradun. There is,

therefore, no reason to accept the prayer on behalf of the husband that the pending proceedings in Lucknow should be transferred to Delhi.

The transfer petition is made absolute. Regular Suit No. 1029 of 2001 on the file of the Principal Judge, Family Court, Lucknow shall stand transferred to the District Judge, Dehradun to be heard by him or assigned to an appropriate court for hearing.

No order as to costs.

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(Shivaraj V. Patil)@@
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.....J.@@
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(D.M. Dharmadhikari)@@
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New Delhi,
April 08, 2002.