

0

T.P.(C) No. 704 OF 2004
ITEM No.54

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
R E C O R D O F P R O C E E D I N G S

Transfer Petition.(Civil) No.704/2004

LALITA

Petitioner (s)

VERSUS

KULWINDER KUMAR
(With Appln(s). for stay)

Respondent (s)

With

T.P.(Crl.) No.276/2004
(With appln. for stay)

Date : 31/01/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. H.D. Birdi, Adv.
Mr. Satpal Singh, Adv. for
M/s Mitter & Mitter Co.

For Respondent (s)
Mr. V.N. Raghupathy,Adv.

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

The transfer petitions are allowed in terms
of the signed order.

(K.K.Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION (CIVIL) NO.704 OF 2004

LALITA

Petitioner (s)

VERSUS

KULWINDER KUMAR

Respondent (s)

WITH

TRANSFER PETITION (CRIMINAL) NO.276 OF 2004

O R D E R

These are wife's Petitions for transfer of Divorce Petition being Suit No.601 of 2003 titled "Shri Kulwinder Kumar v. Smt. Lalita" pending in the Court of Civil Judge, Senior Division, Ghaziabad (U.P.) to the Court of District Judge, Ludhiana (Punjab) and criminal proceedings being Complaint No.459 of 2003 titled "Shri Kulwinder Kumar v. Shri Hari Kishan Lal and Smt. Lalita" pending in the Court of Metropolitan Magistrate, Karkardooma Courts, Shahdara (Delhi) to the District Judge, Ludhiana (Punjab) on the ground that she is not in a position to bear the litigation expenses and travelling expenses. She also claims that she has two minor school going children whom she cannot leave behind alone. She also claims that she is suffering from hyperthyroid and incisional hernia and has been advised surgery. The husband has opposed these Petitions and states that he is willing to pay all expenses for her travel to Ghaziabad and Delhi. He disputes that the wife is suffering from any ailment.

In our view, in a matter like this, the convenience of the wife has to be looked into. In our view, the grounds are sufficient for transfer.

We, therefore, direct for transfer of Divorce Petition being Suit No.601 of 2003 titled "Shri Kulwinder Kumar v. Smt. Lalita" pending in the Court of Civil Judge, Senior Division, Ghaziabad (U.P.) to the Court of District Judge, Ludhiana (Punjab) and criminal proceedings being Complaint No.459 of 2003 titled "Shri Kulwinder Kumar v. Shri Hari Kishan Lal and Smt. Lalita" pending in the Court of Metropolitan Magistrate, Karkardooma Courts, Shahdara (Delhi) to the District Judge, Ludhiana (Punjab) who shall either try the cases himself or assign the same to a Court of competent jurisdiction.

The transfer petitions are, accordingly, allowed.

.....J.
(S.N. Variava)

.....J.
(D.M. Dharmadhikari)
New Delhi;
January 31, 2005.