

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). 601 OF 2003

SHALINI

Petitioner(s)

VERSUS

MUKESH KUMAR

Respondent(s)

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

Date: 02/01/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mr. T.N. Saxena, Adv.

Mr. M.P. Shorawala, Adv.

For Respondent(s)

UPON hearing counsel the Court made the following

O R D E R

The transfer petition is allowed in terms of the signed order.

Singh) (J.S. Rawat) (Kanwal  
Master AR-cum-PS Court

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 601 OF 2003

Shalini Petitioner (s)

Versus

Mukesh Kumar Respondent (s)

O R D E R

il The present petition under Section 25 of the Code of Civil Procedure has been filed by the wife-petitioner, seeking transfer of Case No. CM 19 of 2002 instituted by her husband, who is the respondent herein, from Sriganganagar, Camp Suratgarh (Rajasthan) to Mathura (U.P.).

On 13th of October, 2003, this court while issuing notice, granted stay of the further proceedings in Case No. CM 19/2002 before the Court of Addl. District & Sessions Judge No.2, Sriganganagar Camp. Suratgarh, Rajasthan.

Even after the due service of notice on the respondent-husband, the case was adjourned by four weeks in order to give him one more opportunity to turn up. Even today, there is no appearance on behalf of the respondent. He is ordered to be proceeded ex parte.

Since this is an uncontested petition, in view of the assertions made in the petition, we deem it appropriate to direct that Case No. CM 19 of 2002 titled as Mukesh Kumar vs. Smt. Shalini , pending in the Court of Additioal District & Sessions Judge No.2, Sriganganagar Camp. Suratgarh (Rajasthan) be transferred to the District Judge at Mathura (U.P.) who, on receipt of the case record, shall either retain it on his board or assign the same to some other court of competent jurisdiction for hearing and disposal in accordance with law. The relevant records of the case be transmitted to the transferee Court forthwith.

The transfer petition is allowed accordingly.

.....J.  
(ASHOK BHAN)

New Delhi;  
January 02, 2006.

.....J  
(TARUN CHATTERJEE)