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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.750 of 2011

Poonam Vedprakash AroraPetitioner(s)

Versus

Pawan Premnath BerryRespondent(s)

O R D E R

1. The Petitioner - wife has filed this Petition under Section 25 of the Code of Civil Procedure with the prayer for transfer of H.M.P. No.428 of 2010 titled as "Pawan Premnath Berry vs. Poonam Vedprakash Arora" pending in the Court of Principal Judge, Family Court, Nanpura at Surat (Gujarat) to the Family Court at Faridabad (Haryana).

2. Notice has been issued to Respondent. He has filed the Counter opposing the prayer and submitted that Petitioner's first marriage was already subsisting at the time when Respondent got married to the Petitioner. Several other allegations have been levelled against the Petitioner. However, all these questions would be matter of evidence to be adjudicated upon by the Trial Court, when the parties go for trial. At this stage, it is not proper to comment on the same.

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3. Looking to the facts and features of the case, we deem it fit and proper to transfer the matter to the Family Court at Faridabad (Haryana). We order accordingly. The parties are directed to appear before the said Court at Faridabad (Haryana) on 11.4.2012 and the Principal Judge, Family Court, Nanpura at Surat (Gujarat), is directed to remit the record

to the said Court forthwith.

4. The Petitioner - wife would file her Written Statement, if she has not already filed, within three weeks from the date, she puts in appearance on 11.4.2012. The Court, thereafter, would frame issues and decide the suit itself as expeditiously as possible and preferably within a period of nine (9) months from the date of framing of the Issues. It is also expected that none of the parties would seek undue adjournment of the matter.

5. Office is directed to send the copies of the order to the Courts at Nanpura, Surat (Gujarat) and Faridabad (Haryana) both.

6. The Transfer Petition is allowed in the above terms.

.....J
[Deepak Verma]

.....J
[Dipak Misra]

New Delhi;
March 14, 2012.

ITEM NO.4 COURT NO.10 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). 750 OF 2011

POONAM VEDPRAKASH ARORA Petitioner(s)

VERSUS

PAWAN PREMNATH BERRY Respondent(s)

(With appln(s) for stay and exemption from filing O.T. and office report)

Date: 14/03/2012 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE DIPAK MISRA

For Petitioner(s) Ms. Vandana Sharma, Adv.
Dr. Kailash Chand, Adv.

For Respondent(s) Mr. Rajesh Goswami, Adv.
Mr. Harendra Sharma, Adv.
Mr. Arun Kumar Beriwal, Adv.

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

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

(Sanjay Kumar-II)
Court Master

(S.S.R. Krishna)
Court Master

[Signed order is placed on the file]