

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 751 OF 2012

MONIKA Petitioner(s)

VERSUS

RAKESH Respondent(s)

O R D E R

This is wife's petition seeking transfer of matrimonial case being Case No. 187 of 2012 titled "Rakesh Vs. Monika" from the Court of District Judge/Family Court, Gurgaon, Haryana to the Court of District Judge/Family Court, Hanumangarh, Rajasthan.

2. Notice of the Transfer Petition has been served on the respondent and Mr. R.C. Kaushik, advocate, has filed vakalatnama and memo of appearance on his behalf. On the last date of hearing, i.e., on February 22, 2013, Mr. R.C. Kaushik, advocate for the respondent, did not appear and, instead of passing an ex-parte order, we granted one opportunity to the respondent's advocate to appear on the next date. However, learned counsel for the respondent is not present in the Court today as well.

3. No counter affidavit has been filed by the respondent. Thus, the facts contained in the Transfer Petition remain untraversed and undenied.

4. We have perused the averments made in the Transfer Petition.

5. Having regard to the fact that the petitioner is residing in Hanumangarh, Rajasthan, we are satisfied that, if the proceedings in the above case are allowed to be continued at Gurgaon, Haryana greater hardship shall be caused to the petitioner-wife.

6. We, accordingly, allow the Transfer Petition and transfer matrimonial case being Case No. 187 of 2012 titled "Rakesh Vs. Monika" from the Court of District Judge/Family Court, Gurgaon to the Principal Judge, Family Court, Hanumangarh, Rajasthan. The transferrer court shall transmit the record and proceedings of the transferred case to the transferee court without any delay.

7. The transferee court is requested to hear and decide the transferred case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the transferred case.

8. No costs.

.....J.
(R.M. LODHA)

.....J.
(J. CHELAMESWAR)

NEW DELHI;J.
MARCH 8, 2013 (MADAN B. LOKUR)

ITEM NO.5 COURT NO.5 SECTION XVIA

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(s). 751 OF 2012

MONIKA Petitioner(s)

VERSUS

RAKESH Respondent(s)

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

Date: 08/03/2013 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE MADAN B. LOKUR

For Petitioner(s) Mr. Pushpinder Singh, Adv.
Mr. Himanshu Singh, Adv.
Mr. Merusagar Samantaray, Adv.

For Respondent(s) Mr. R.C. Kaushik, Adv. (NOT PRESENT)

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

Transfer Petition is allowed in terms of the signed order.

|(Rajesh Dham) | |(Renu Diwan) |
|Court Master | |Court Master |

(signed order is placed on the file)