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T.P.(C) No. 882 OF 1999  
ITEM No.30

Court No. 4

SECTION XVIA  
A/N MATTER

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.882/1999

MAHENOOR ZEBA BEY & ANR.

Petitioner (s)

VERSUS

JAMSHED BEY & ANR.

Respondent (s)

( With Appln(s). for stay )  
( With Office Report )

With  
T.P.(C) No.216/2001  
( With Appln.(s) for ex-parte stay)

Date : 07/01/2002 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE K.T. THOMAS  
HON'BLE MR. JUSTICE S.N. PHUKAN

For Petitioner (s) Mr. Tapes Singh,Adv.  
in 882 and for Mr. Shishir Pinaki,Adv.  
rspdt. in 216 Mr. R.P. Wadhvani,Adv.

For Respondent (s) Mr. PN Mishra,Sr.Adv.  
in 882 and for Mr. Ravi Shankar Kr.,Adv.  
petr in 216 Mr. Parmanand Gaur,Adv.

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

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The Transfer Petition filed by the wife is allowed and  
the transfer petition filed by the husband is dismissed.

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(N.K. Goel) (H.K. Bhatia)  
Court Master Court Master  
(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL ) NO. 882 OF 1999@@  
EE

Mahenoor Zeba Bey & anr. ..Petitioners

Vs.

Jamshed Bey & anr. ..Respondents

with

TRANSFER PETITION (CIVIL ) NO. 216 OF 2001@@  
EE

Jamshed Bey .. Petitioner

vs.

Mahenoor Zeba Bey .. Respondent

O R D E R@@  
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There are two petitions pending as between the spouses, one petition filed by the wife for a decree of divorce which is pending before the Family Court at Patna and the other is a petition for restitution of conjugal rights filed by the husband pending before the Tis Hazari Court, Delhi. The wife has filed the present petition for transferring the case filed by the husband before the Tis Hazari Courts, ..2/-

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Delhi to the Family Court at Patna. On the other hand the husband filed a petition for transferring the divorce case from Family Court, Patna to Tis Hazari Courts, Delhi. We heard counsel for both sides in detail regarding both petitioners.

We are not satisfied of the reasons advanced by the learned counsel for the husband that the Family Court at Patna would not afford sufficient opportunity to the husband for opposing the application for divorce. He pointed out that the Family Court had pre-empted the respondent from filing the written statement. Whatever be the reason by which the husband was disallowed from filing the written statement we permit the husband to file written statement within four weeks from today. We make it clear that if any such written statement is filed within four weeks from today the same shall be received by the Family Court at Patna, in spite of order passed by the Family Court earlier. We order transfer of the case filed by the husband before the Tis Hazari Court, Delhi (for restitution of conjugal rights) to the court at Patna before which the ..3/-

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divorce petition filed by the wife is pending. This would enable the Family Court at Patna to dispose of both matters together.

Learned counsel for the husband submitted that protection may be afforded to the husband for conducting his case before the Patna Court as the relatives of the wife are very influential people. If any application is filed by the husband before the Family Court for police protection the Family Court will direct the police to give adequate protection to the husband.

He also complained that the Family Court has not passed any order on the petition filed by the husband seeking permission to visit his daughter who is in the custody of its mother. We direct the Family Court to pass appropriate orders on the said application within four weeks from today.

Subject to the aforesaid observations and directions we order transfer of Suit No. 25/99 (Jamshed Bey vs. Mahenoor Zeba Bey & Ors.) pending in the Court of the learned Civil Judge, Tis Hazari, Delhi to the Court of the learned Principal Judge, Family Court, Patna.

..4/-

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The Transfer Petition filed by the wife is thus allowed and the transfer petition filed by the husband is dismissed.

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(K.T. THOMAS)@@  
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(S.N. PHUKAN)@@  
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NEW DELHI@@  
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IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL ) NO. 882 OF 1999@@  
EE

Mahenoor Zeba Bey & anr. ..Petitioners  
Vs.



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(K.T. THOMAS)@@  
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