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T.P.(C) No. 623 OF 2004
ITEM No.36

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
RECORD OF PROCEEDINGS

Transfer Petition.(Civil) No.623/2004

ZEENAT MALLIK

Petitioner (s)

VERSUS

BIRAJA PRASAD @ DIPU/DEEPAK MALLIK
(With Appln(s). for stay and Office Report)

Respondent (s)

Date : 10/12/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA

HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)

Ms. Kavita Wadia, Adv.

For Respondent (s)Mr. Aman Lekhi, Adv.

Mrs. Meenakshi Lekhi, Adv.

Mr. Harish Pandey, Adv.

Mr. J.S. Rai, Adv.

Mr. B.S. Rajesh Agrajit, Adv.

Mr. Varinder Kumar, Adv.

Mr. Rajan Chaurasia, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petition is dismissed 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 ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.623 OF 2004

ZEENAT MALLIK

Petitioner (s)

VERSUS

BIRAJA PRASAD @ DIPU/DEEPAK MALLIK

Respondent (s)

O R D E R

This Petition has been filed by the wife for transfer of Suit No.71 of 2004 titled as Mr. Biraja Prasad alias Dipu/Deepak Mallik Vs. Ms. Zeenat Mallik pending before District and Sessions Judge, Tis Hazari, Delhi to the Court of Judicial Magistrate, 1st Class, Pathankot on the ground that it would be difficult for her to come to Delhi and that she has no place to stay in Delhi. The Respondent undertakes to pay to the Petitioner, in advance, the travel expenses as well as the expenses for stay in Delhi. The Respondent shall pay a sum of Rs.4,000/- to the Petitioner on each occasion she is required to come to Delhi. The Respondent shall file an undertaking on affidavit in this Court to this effect.

It is next submitted that the Petitioner is not in an emotionally stable state of mind to be able to travel. We see no substance in this submission. There is no medical report to show that Petitioner is emotionally a mentally unstable. On a mere statement of this nature and on such a ground the Suit filed in a Court of competent jurisdiction cannot be transferred. In this view of the matter, the Transfer Petition is dismissed.

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

.....J.
(H.K. Sema)
New Delhi;
December 10, 2004.