

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO. 799 OF 2012

Ritu Shukla

..Petitioner

versus

Anil Kumar Shukla

..Respondent

O R D E R

In this petition, petitioner has prayed for transfer of H.M.A Case No. 1217 of 2011 titled Anil Kumar Shukla v. Ritu Shukla, pending in the Court of District Judge (HMA), District (North-East), Karkardooma Courts, Delhi to the Family Court, Auraiya, Uttar Pradesh.

Notice of the transfer petition was issued on 04.07.2012 and further proceedings in the petition filed by the respondent were stayed with the rider that if the petitioner fails to serve the notice upon the respondent before the next date of hearing, the interim order shall stand automatically vacated.

Office report dated 08.09.2012 indicates that counsel for the petitioner has on 03.09.2012 filed an affidavit of service of dasti notice stating therein that he went to the respondent's house to serve the notice but he refused to take the notice.

We have gone through the transfer petition. The main grounds taken by the petitioner for transfer of the case filed by the respondent is her financial incapacity to travel from Auraiya, Uttar Pradesh to Delhi.

In our view, the petitioner has been able to make out a case for transfer. Accordingly, the transfer petition is allowed and H.M.A Case No. 1217 of 2011 titled Anil Kumar Shukla v. Ritu Shukla, pending in the Court of District Judge (HMA), District (North-East), Karkardooma Courts, Delhi is transferred to the Family Court, Auraiya, Uttar Pradesh for being decided in accordance with law.

.....J.
[G.S. SINGHVI]

