

V

T.P.(C) No. 632 OF 2003
ITEM No.36

Court No. 7

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.632/2003

KALPANA VIJAY KUMAR HEDAU

Petitioner (s)

VERSUS

VIJAY BHIMRAO HEDAU
(With Appln(s). for stay and Office Report)

Respondent (s)

Date : 23/02/2004 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE D.M. DHARMADHIKARI

For Petitioner (s)Mr. Chinmoy Khaladkar, Adv.
Mr. S.K. Nandy,Adv.

For Respondent (s)
Mr. Prashant Chaudhary,Adv.

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

The transfer petition is dismissed with cost of Rs.3,000/- in terms of the signed order.

Sarita (Shelly Sengupta)
Court Master

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.632 OF 2003

KALPANA VIJAY KUMAR HEDAU

PETITIONER

VERSUS

VIJAY BHIMRAO HEDAU

RESPONDENT

O R D E R

This petition was filed on 19.9.2003 seeking transfer of Hindu Marriage Petition No.166/1999 from the Court of Civil Judge, Senior Division, Nasik, Maharashtra to a competent court at Bhopal, Madhya Pradesh.

The learned counsel for the respondent pointed out to us that the said Hindu Marriage Petition No.166/99 was disposed of by the Joint Civil Judge, Senior Division, Nasik on 31.7.2003 and the present petition for transfer was filed long thereafter on 19.9.2003. According to the learned counsel for the respondent, it is a gross abuse of the process of law.

..2/-

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Faced with this situation, the learned counsel for the petitioner tendered unconditional apology on behalf of the petitioner. Learned counsel for the petitioner submitted that he did not have the instructions from the petitioner about the disposal of the Hindu Marriage Petition No.166/99; filing of the transfer petition was under the circumstances not intended to abuse the process of law; it was bona fide, on instructions. While accepting the unconditional apology tendered, we must say that the respondent is unnecessarily dragged to this Court and he has to be compensated by awarding cost. The petitioner shall pay a sum of Rs.3,000/- towards cost to the respondent.

The transfer petition is dismissed with cost of Rs.3,000/-.

.....J.

[SHIVARAJ V. PATIL]

.....J.

[D.M. DHARMADHIKARI]

New Delhi,
February 23, 2004.