

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). 727 OF 2008

SUMAN ARUN MISHRA Petitioner(s)

VERSUS

ARUN KUMAR MISHRA Respondent(s)

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

Date: 14/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s) Mr. Pramod Swarup, Adv.

For Respondent(s)
Mr. Piyush Sharma, Adv.
Mr. R.J. Pandey, Adv.

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

The transfer petition is disposed of in
terms of the signed order.

(Neetu Khajuria)
Sr. P.A.

(Mithlesh Gupta)
Court Master

(The signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.727 OF 2008

Suman Arun Mishra ...Petitioner(s)

Versus

Arun Kumar Mishra ...Respondent(s)

O R D E R

1. In this petition filed under Section 25 of the Code of Civil Procedure, the petitioner (wife) has prayed for transfer of Marriage Petition No. 483/2007 titled Mr. Arun Kumar Mishra v. Mrs. Suman Arun Mishra pending in the Court of Civil Judge

(Senior Division), Thane (Mumbai) to the Family Court, Allahabad.

2. The petitioner has sought transfer of the petition filed by the respondent (husband) under Section 10(1)(x)(ix) of the Indian Divorce Act mainly on the ground of her inability to go from Allahabad to Thane, Mumbai for attending the proceedings of the case.

3. In the counter-affidavit filed by him, the respondent has not denied the petitioners assertions that she is residing at Allahabad and the fact that she would be required to come from Allahabad to Thane for the purpose of attending the proceedings of the divorce case but, at the same time, he has pleaded inconvenience in traveling from Thane, Mumbai to Allahabad for attending the proceedings of the case if the same is transferred to Allahabad by stating that witnesses of the divorce case are from Thane and Mumbai.

4. We have heard learned counsel for the parties and perused the record. Having regard to the fact that the petitioner will face serious inconvenience in traveling from Allahabad to Thane (Mumbai), we feel that it will be in the interest of justice to transfer Marriage Petition No. 483/2007 titled from the Court of Civil Judge (Senior Division), Thane (Mumbai), within the State of Maharashtra to Family Court, Allahabad, within the State of U.P. Ordered accordingly.

5. The transfer petition is disposed of in the manner indicated above.

J.

.....
[G.S. Singhvi]

.....J.

[Asok Kumar Ganguly]

New Delhi
December 14, 2009