

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(s). 666 OF 2009

AMBIKA KHANNA

Petitioner(s)

VERSUS

SANDEEP KHANNA

Respondent(s)

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

Date: 03/05/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. Sudhir Walia,Adv.
Mr. Abhishek Atrey,Adv.

For Respondent(s) Ms. Seita Vaidyalingam,Adv.
Mr. Sunil K. Jha,Adv.

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

The Transfer Petition is allowed in terms of the signed
order.

(Ganga Thakur)
PS to Registrar

(Juginder Kaur)
Court Master

Signed order is placed on the file.
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 666 OF 2009

AMBIKA KHANNA

Petitioner(s)

VERSUS

SANDEEP KHANNA

Respondent(s)

O R D E R

This Transfer Petition has been filed on behalf
of the wife for transfer of Custody Case No.61 of 2004,
titled Sandeep Khanna Vs. Ambika Khanna & Others,
pending before the Family Court, Jaipur, to the family

Court at Chandigarh.

Admittedly, the petitioner has four children of whom the eldest is just about 15 years. She has to travel from Gurdaspur in Punjab to Jaipur to contest the said case.

It has been submitted that it would be difficult for her to contest the case in Jaipur since going to Jaipur involves an overnight journey via Chandigarh.

On behalf of the respondent-husband, it has been contended that on account of repeated threats he was not able to pursue the application made under Section 9 of the Hindu Marriage Act, 1955, and the same was dismissed on the ground of default. It has also been pointed that he has not been able to make application under Order 9 Rule 8, C.P.C. in the said matter.

Having heard learned counsel for the respective parties, we are inclined to allow the Transfer

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Petition, but we also record the statement made on behalf of the petitioner-wife that if an application for restoration of the Section 9 petition is made, the same will not be opposed before the Family Court.

Apart from the above, if there is any threat of physical harm to the respondent, he will be at liberty to apply both to the Family Court, as also to the Superintendent of Police, Chandigarh, who will provide necessary protection as and when the respondent is to appear before the Family Court at Chandigarh.

We, accordingly, allow the Transfer Petition and direct that the Custody Case No.61 of 2004, titled as Sandeep Khanna Vs. Ambika Khanna & Others, pending before the Family Court, Jaipur, be transferred to the Court of Family Judge at Chandigarh.

.....J.
(ALTAMAS KABIR)

.....j.
(H.L. GOKHALE)

New Delhi,
May 3, 2010.