

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). 728 OF 2004

SUMAN KOL

Petitioner(s)

VERSUS

ARUNAV KOL

Respondent(s)

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

WITH

TRANSFER PETITION (CRL.) NO. 18 of 2005

(With appln. (s) for ex-parte stay and office report)

Date: 24/04/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. SRIKRISHNA

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s) Mr. Atanu Saikia, Adv.

Mr. Avijit Bhattacharjee, Adv.

Mr. S.B. Sanyal, Sr. Adv.

Mr. P.K. Manohar, Adv.

Mr. Mahendra, Adv.

For Respondent(s)

Mr. S.B. Sanyal, Sr. Adv.

Mr. P.K. Manohar, Adv.

Mr. Mahendra, Adv.

UPON hearing counsel the Court made the following

O R D E R

TRANSFER PETITION (CIVIL) NO(s). 728 OF 2004 :
Petition is allowed in

The Transfer

terms of the signed order. No order as to costs.

TRANSFER PETITION (CRL.) NO. 18 of 2005 : The Transfer Petition is dismissed in terms of

the signed order. No order as to costs.

(Rajesh Dham)

(Radha R. Bhatia)

Court Master

Court Master

(signed order is placed on the file)

IN THE SUPREME COURT OF INDIAN

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 728 OF 2004

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WITH

TRANSFER PETITION (CRL.) NO. 18 of 2005

O R D E R

TRANSFER PETITION (CIVIL.) NO(s). 728 OF 2004

Heard the learned counsel on both sides.

This is a petition filed by the wife for transfer of Matrimonial Suit No. 749 of 2004

entitled "Arunav Kol vs. Suman Kol" pending in the Court of District Judge, Alipore, Kolkata

to the Court of competent jurisdiction at Guwahati, Assam.

The grounds on which this Transfer Petition has been moved are that the petitioner has

been unemployed and has no source of income to sustain herself and has become a burden on her

aged parents; that she is a student having no source of income, nor does she have the financial

ability to travel to Kolkata and engage a lawyer to defend her case; that she also apprehends

serious threat to her life in Kolkata from the respondent-husband, which, of course, respondent-

husband denies.

In these circumstances, we are satisfied that this petition needs to be allowed.

Matrimonial Suit No. 749 of 2004 entitled "Arunav Kol vs. Suman Kol" pending in the Court of

District Judge, Alipore, Kolkata is ordered to be transferred to the Court of competent

jurisdiction at Guwahati, Assam.

The Transfer Petition is allowed accordingly. No order as to costs.

TRANSFER PETITION (CRL.) NO. 18 of 2005

This Transfer Petition has been filed by the husband seeking transfer of Maintenance

Application, filed under Section 125 Criminal Procedure Code, being F.C. (Crl.) No. 134/2004

entitled "Suman Kaur vs. Arunav Kol" pending in the Court of the Principal Judge,

Bharalumukh, Guwahati to a Court of competent jurisdiction at Kolkata.

After hearing the learned counsel on both sides, we are satisfied that the Maintenance

Application being F.C. (Crl.) No. 134/2004 entitled "Suman Kaur vs. Arunav Kol" pending in

the Court of the Principal Judge, Bharalumukh, Guwahati ought not to be transferred.

The Transfer Petition is dismissed accordingly. No order as to costs.

J.

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(B.N. SRIKRISHNA)

J.

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(TARUN CHATTERJEE)

NEW DELHI;

APRIL 24, 2006.