

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). 759 OF 2003

RITA MALLICK

Petitioner(s)

VERSUS

D.C. MALLICK

Respondent(s)

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

Date: 31/03/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE LOKESHWAR SINGH PANTA

For Petitioner(s)

Mr. Sanjay Mani Tripathi, Adv.

Mrs Sarla Chandra,Adv.

For Respondent(s)

Mrs. Anjani Aiyagari,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petition is allowed.

(Parveen Kr. Chawla)

(Kanwal Singh)

Court Master

Court Master

[Signed Order is placed on the File]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

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RANSFER PETITION(C)NO.759 OF 2003

RITA MALLICK

..PETITIONER

VERSUS

D.C. MALLICK

..RESPONDENT

O R D E R

Petitioner-wife has moved this petition under Section 25 of the Code of Civil Procedure seeking transfer of Matrimonial Suit being HMA Petition No. 537 of 2002 titled D.C.Mallick vs. Rita Mallick & Another pending before the Additional District Judge, Delhi to the Family Court, Haldia, West Bengal.

Respondent in his counter affidavit has stated that he was beaten up by the petitioner's father along with other persons when he had gone to Haldia to attend the Court in a petition filed by the petitioner under Section 125 Cr.P.C. and that he apprehends danger to his life because petitioner's father is a powerful and politically influential personality of the ruling party.

After taking into consideration the averments made in the petition

and counter affidavit and looking to the convenience of the wife-petitioner and without going into the allegations and counter allegations, we deem it appropriate to transfer Matrimonial Suit being HMA Petition No. 537 of 2002 titled D.C.Mallick vs. Rita Mallick & Another pending before the Additional District Judge, Delhi to the Family Court, Haldia, West Bengal subject to the condition that no harm shall be caused to the respondent in any way whenever he goes to Haldia, West Bengal to attend the proceedings.

The District Judge, Delhi is directed to transmit the entire record related to the above-said case forthwith to the Family Court, Haldia, West Bengal which shall decide the same in accordance with law.

The Transfer Petition is allowed accordingly.

....J.

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[Ashok Bhan]

New Delhi;
....J.

March 31, 2006.

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[Lokeshwar Singh Pantia]