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T.P.(C) No. 667 OF 2003

ITEM Nos.42 & 66

Court No. 9

SECTION XVIA

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.667 of 2003

KOMAL SHAH

Petitioner (s)

VERSUS

ASHISH CHANDAKANATH JIVRAJ SINGH

Respondent (s)

(With appln(s). for stay)

With Transfer Petition (C) No. 202 of 2004

(With appln.(s) for exemption from filing O.T. and ex-parte stay)

Date : 08/03/2004 These Petitions were called on for hearing today.

CORAM :

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

For Petitioner (s)Mr. S. Chandra Shekhar,Adv.
In TP 667/2003:

In TP 202/2004:Mr. Subramonium Prasad,Adv.
Mr. A.P. Medh,Adv.
Mr. Gopala Krishnan,Adv.
Ms. Deep Shikha,Adv.
Mr. Rauf Rahim,Adv.

For Respondent (s)Mr. Subramonium Prasad,Adv.
In TP 667/03:Mr. A.P. Medh,Adv.
Mr. Gopala Krishnan,Adv.
Ms. Deep Shikha,Adv.
Mr. Rauf Rahim,Adv.

In TP 202/2004:Mr. S. Chandra Shekhar,Adv.

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

Transfer Petition (C) No. 667 of 2003:

Heard the learned counsel for the parties for a while.

The transfer petition is allowed.

No costs.
...2/-

- 2 -

Transfer Petition (C) No. 202 of 2004:

Issue notice.

Mr. S. Chandra Shekhar, learned advocate, accepts notice on behalf of the respondent.

Heard the learned counsel for the parties for a while.

The transfer petition is dismissed.

No costs.

[T.I. Rajput][Shelly Sengupta]
Court Master Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 667 OF 2003

Komal Shah ...Petitioner(s)

Versus

Ashish Chandakanath Jivraj Singh ...Respondent(s)

With Transfer Petition (C) No. 202 of 2004

O R D E R

Transfer petition (C) No. 667 of 2003 is filed by the wife seeking transfer of H.M.P. No. 464 of 2003, titled as Ashish Chandakanth Jivraj Shah vs. Komal Shah, pending before the Family Court at Ahmedabad, Gujarat, to the Family Court at Hyderabad, Andhra Pradesh, on the ground that she is permanently staying at Hyderabad; she is unemployed; and it is difficult for her to attend the court proceedings at Ahmedabad. Transfer Petition (C) No. 202 of 2004 is filed by the husband seeking transfer of Case No. O.P. No. 463 of 2003, titled as Kamla @ Komal Shah vs. Ashish Chandrakanth Jivraj Shah, pending before the Family Court at Hyderabad to the Family Court at Ahmedabad.

The learned counsel for the wife reiterated the grounds raised in Transfer Petition (C) No. 667 of 2003.

The learned counsel for the husband contended that both the parties last resided at Ahmedabad and all the witnesses required to be examined in the cases may be from Hyderabad.

...2/-
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Having considered the facts and circumstances of the case, we think it is just and appropriate to transfer H.M.P. No. 464 of 2003, titled as Ashish Chandakanth Jivraj Shah vs. Komal Shah, pending before the Family Court at Ahmedabad, Gujarat, to the Family Court at Hyderabad, Andhra Pradesh, to be tried along with Case No. O.P. No. 463 of 2003, titled as Kamla @ Komal Shah vs. Ashish Chandrakanth Jivraj Shah, pending before the Family Court at Hyderabad. Accordingly, Transfer Petition (C) No. 667 of 2003 is ordered and Transfer Petition (C) No. 202 of 2004 is dismissed.

The learned counsel for the husband states that efforts will be made for reconciliation. It is open to the parties to make such efforts. As and when the parties arrive at such reconciliation or settlement, it may be reported to the Family Court at Hyderabad.

No costs.

.....J.
[SHIVARAJ V. PATIL]

.....J.
[D.M. DHARMADHIKARI]

New Delhi,
March 08, 2004.