

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 715 OF 2009

PRATIBHA

Petitioner(s)

VERSUS

PANKAJ KUMAR

Respondent(s)

O R D E R

This is a petition filed by wife under Section 25 of the Code of Civil Procedure for transfer of H.M.A. Case No.37 of 2009 filed by husband from the Court of Additional District Judge, Ambala (Haryana) to the Family Court or any other Court of competent jurisdiction at Bagpat (Uttar Pradesh).

The petitioner - wife , who is a resident of Baghpat (Uttar Pradesh), has sought transfer mainly on the ground of financial incapacity and difficulty in travelling from Baghpat to Ambala to attend the proceedings of the case filed by the respondent-husband.

Although, service of notice of the transfer petition is complete by way of publication in the newspapers, respondent has neither appeared in person or through an advocate nor filed reply to contest the prayer made by the petitioner.

In view of the above, the transfer petition is allowed and H.M.A. Case No.37 of 2009 titled "Pankaj Kumar versus Smt. Pratibha" is transferred to the Court of District

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Judge, Bagpat (Uttar Pradesh), who may try the case himself or make over the same to any other Court of competent jurisdiction for being decided in accordance with law. The records be also remitted to the said Court forthwith.

Registry is directed to send copy of this order to both the Courts.

.....J.
(DEEPAK VERMA)

.....J.
(K.S. RADHAKRISHNAN)

NEW DELHI,
NOVEMBER 28, 2011.

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ITEM NO.48

COURT NO.12

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(s). 715 OF 2009

PRATIBHA

Petitioner(s)

VERSUS

PANKAJ KUMAR

Respondent(s)

(With appln(s) for substituted service, stay and office report)

Date: 28/11/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA
HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s) Mr. E.R. Sumathy, Adv.
Mr. Sarvesh Bisaria, Adv.
Mr. P.C. Sharma, Adv.
Mrs. S. Usha Reddy, A.O.R.

For Respondent(s)

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

In terms of signed order, the transfer
petition is allowed.
Registry is directed to send copy of this
order to both the Courts.

(A.D. Sharma)
Court Master

(S.S.R. Krishna)
Court Master

(Signed Order is placed on the file)