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(Revised)

ITEM NO.59

COURT NO.13

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). 832 OF 2009

REENA PATESWARI

Petitioner(s)

VERSUS

RAKESH KUMAR

Respondent(s)

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

Date: 04/12/2009 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE G.S. SINGHVI
HON'BLE MR. JUSTICE ASOK KUMAR GANGULY

For Petitioner(s)

Mr. Abhishek Vikas, Adv.
Mr. Ansul, Adv.
Mr. T. Mahipal, Adv.

For Respondent(s)

Mr. Ranbir Singh Yadav, Adv. (N.P.)

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

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

(Kavita Arora)
Sr. P.A.

(Kusum Gulati)
Court Master

[Signed order is placed on the file].

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.832 OF 2009

Reena Pateshwari

...Petitioner

Versus

Rakesh Kumar

...Respondent

ORDER

1. In this petition filed under Section 25 of Code of Civil Procedure, the petitioner (wife) has prayed for transfer of H.M.A. No.328 of 2009 titled Sh. Rakesh Kumar v. Smt. Reena Pateshwari pending in the Court of Addl. District Judge, North East District, Karkardooma Courts, Delhi.

2. The petitioner has sought transfer of the above noted petition, which has been filed by the respondent (husband) under Section 9 of the Hindu Marriage Act, 1955, on the ground that as she is unemployed and dependent upon her father, she is not in a position to travel from Patna to Delhi. She has also expressed apprehension of danger to her life from the husband on her visit to Delhi.

3. Although, the respondent has been duly served, he has neither appeared in person or through an Advocate nor filed reply affidavit.

4. Since, the averments contained in the transfer petition have remained incontroverted, we are satisfied that it will be in the interest of justice to transfer H.M.A. No.328 of 2009 pending in the Court of Addl. District Judge, North East District, Karkardooma Courts, Delhi to District Judge, Patna within the State of Bihar, 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.

Order

ed
accordingly.

5. The transfer petition is allowed in the manner indicated above.

.....J.

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[G.S. Singhvi]

J.

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[Asok Kumar Ganguly]

New Delhi
December 04, 2009