

nITEM NO.41

COURT NO.4

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). 811 OF 2009

REENA KHETAN @ MITU

Petitioner(s)

VERSUS

SANJAY KUMAR KHETAN

Respondent(s)

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

Date: 26/03/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN
HON'BLE MR. JUSTICE R.M. LODHA

For Petitioner(s)

Mr. Akshat Shrivastava,Adv.
Mr. Inderjeet Yadav,Adv.
Mr. Raj Kumar Gupta,Adv.
Mr. Mukul Dubey,Adv.
Mr. Dharam Bir Raj Vohra,Adv.

For Respondent(s)

Ms. Kamini Jaiswal,Adv.

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

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

(O.P. Sharma)
Court Master

(M.S. Negi)
Court Master

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 811 OF 2009

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Petitioner

VERSUS

SANJAY KUMAR KHETAN

Respondent

O R D E R

Heard the learned counsel for the parties.

2. This petition by wife is for transfer of the divorce petition filed by the husband which is pending in the Court of C.J.M. cum Civil Judge (Senior Division), Jharsuguda, Orissa to the Family Court at Wardha, Maharashtra. The petitioner has alleged that she has no source of income and is dependant on her ailing mother who is suffering from cancer. She also finds it difficult to travel all alone for more than 700 kms. It should also be noticed that the respondent-husband has alleged that the petitioner-wife is suffering from mental illness. If it so, she cannot be expected to travel alone for more than 700 kms. to defend the petition.

3. On the facts and circumstances, this is a fit case for transfer. We allow the Transfer Petition and transfer C.S.(Matrimonial) No.182 of 2008 titled as Sanjay Kumar Khetan vs. Reena Khetan @ Mitu pending in the Court of C.J.M.-cum-Civil Judge (Senior Division), Jharsuguda, Orissa to the Family Court at Wardha, Maharashtra.

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4. This will not come in the way of parties attempting a settlement either by direct negotiation or by mediation. If the parties so request, the Court at Wardha may sent it to Mediation.

.....J.
[R.V. RAVEENDRAN]

NEW DELHI
MARCH 26, 2010

.....J.
[R.M. LODHA]