

ITEM NO.44

Court No.11

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CIVIL.) NO(s). 931 OF 2009

GARGI BASU

Petitioner(s)

VERSUS

BIDYUT BASU

Respondent(s)

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

Date: 05/02/2010 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. Ansar Ahmad Chaudhary, Adv.

For Respondent(s) Mr. Hiren Dasan, Adv.
Mr. Dharendra Kr. Mishra, Adv.
Mrs Sarla Chandra, 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.

(Shashi Sareen)
Court Master

(Phoolan Wati Arora)
Court Master

(Signed order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.931 OF 2009

Mrs. Gargi Basu

...Petitioner

Versus

Mr. Bidyut Basu

...Respondent

ORDER

1. In this petition, the petitioner has prayed for transfer of the petition filed by the respondent under Section 13(1) (i-a) of the Hindu Marriage Act, 1955 which is pending in the Court of Civil Judge (Senior Division), Thane (Maharashtra) to the

Family Court at Kolkata (West Bengal).

2. The petitioner has pleaded that she is presently residing at Kolkata along with a minor child and it will be extremely difficult for her to travel from Kolkata to Thane, Maharashtra for attending the proceedings of the case instituted by the respondent. She has also expressed an apprehension of bodily harm at Thane, Maharashtra.

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3. In the counter-affidavit filed by him, the respondent has claimed that the petitioner is financially sound inasmuch as she is employed with M/s Ismart Global Private Limited and is drawing salary of Rs.10,000/- per month and there will be no difficulty for her to travel from Kolkata to Thane, Maharashtra to attend the proceedings of the divorce case.

4. We have heard learned counsel for the parties and perused the record. Even though the petitioner is financially well placed and is earning Rs.1,20,000/- per annum, it is not too difficult to appreciate the serious inconvenience which she will face in traveling from Kolkata to Thane, Maharashtra for attending the proceedings of the case instituted by the respondent leaving behind her minor child.

5. For the reason stated above, the transfer petition is allowed and M.J. Petition No.645/2008 titled Shri Bidyut Basu vs. Smt. Gargi pending in the Court of Civil Judge (Senior Division) at Thane within the State of Maharashtra is transferred to the Family Court at Calcutta (Kolkata) within the State of West Bengal.

.....J.

.....
[G.S. Singhvi]

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.....J.
[Asok Kumar Ganguly]

New Delhi
February 05, 2010