

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). 924 OF 2009

MUNMUN PRASAD

Petitioner(s)

VERSUS

ARUN SOMAN

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.Senthil Jagadeesan,Adv.

For Responent(s)

Mr. P.V. Dinesh,Adv.
Ms. Sindhu T.P., Adv.
Mr. P.V. Vinod, Adv.
Mr. Jojo Jose, 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.

(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.924 OF 2009

Munmun Prasad

...Petitioner

Versus

Arun Soman
Respondent

...

1. In this petition filed under Section 25 of Code of Civil Procedure, the petitioner (wife) has prayed for transfer of O.P. No.305 of 2009 titled Arun Somen v. Munmun Prasad, which is pending in Family Court, Ernakulam, Kerala.

2. The petitioner has sought transfer of the above noted petition, which has been filed by the respondent (husband) under Sections 25(3) and 27(1) (D) of the Special Marriage Act, 1954, on the ground of inconvenience in traveling from Kolkata to Kerala for the purpose of contesting the petition. She has also expressed apprehension of danger to her life from the husband and his relatives on her visit to Kerala.

3. In the counter-affidavit filed by him, the respondent has set out the reasons for filing divorce petition. He has also averred that the petitioner harassed him by filing false criminal cases and she is repeatedly threatening him. However, he has not denied the fact that the petitioner is a resident of Kolkata.

4. We have heard learned counsel for the parties. In our view, it will be in the interest of justice to transfer O.P. No.305 of 2009 pending in Family Court, Ernakulam within the State of Kerala to District Judge, Alipore, 24 Parganas South within the State of West Bengal, 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. Ordered 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