

Heard learned counsel for the petitioner and learned counsel for the respondent.

The petitioner-wife seeks transfer of the divorce petition filed at Chiabasa, Dist. Singhbhum West, Jharkhand by the respondent-husband. The petitioner-wife is now staying with her mother at Dist. West Midnapore West, West Bengal. The petitioner alleged that she is unable to defend the case at Jharkhand. This is opposed by the respondent-husband and it is alleged that on previous occasion the respondent was beaten up by petitioner's brother and apprehends that he would be manhandled. If such incident happens the respondent-husband would be at liberty to make a complaint in the court for appropriate action.

Accordingly we order for transfer of Matrimonial suit No.1 of 2006 titled: Subhendu Kumar Maity vs. Pratibha Maity pending in the Court of District Judge, Chiabasa,

-2-

Dist. Singhbhum West Jharkhand to the District Court in Dist West Midnapore West, West Bengal to be decided by the Court of competent jurisdiction. All records be transmitted to the transferred court by the transferee court.

The transfer petition is allowed accordingly.

.....CJI
(K.G. BALAKRISHNAN)

.....J
(P. SATHASIVAM)

NEW DELHI;
MARCH 23, 2009.