

ITEM NO.58

IN COURT NO.5

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. 991 OF 2009

ASHA MEHTA

Petitioner(s)

VERSUS

BHIM SINGH MEHTA

Respondent(s)

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

Date: 19/04/2010

This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK VERMA

HON'BLE MR. JUSTICE K.S. RADHAKRISHNAN

For Petitioner(s)

Dr. Sushil Balwada,Adv.

For Respondent(s)

Mr. Sanjiv Sharma,Adv.

Mr. Arun K. Sinha,Adv.

Mr. Sunit Sinha,Adv.

Mr. Rakesh Singh,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.

The records of the case shall be remitted to Family Court at Gurgaon (Haryana) immediately.

(A.S. BISHT)
COURT MASTER

(NEERU BALA VIJ)
COURT MASTER

(Signed order is placed on the file)

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 991 OF 2009

ASHA MEHTA

Petitioner(s)

:VERSUS:

BHIM SINGH MEHTA

Respondent(s)

O R D E R

This petition under Section 25 of the Code of Civil

Procedure, 1908 has been filed by the wife seeking transfer of Hindu Marriage Petition No.42 of 2008, filed by the respondent husband under Section 13(i) of the Hindu Marriage Act, 1955, titled as 'Bhim Singh Mehta vs. Smt. Asha Mehta', pending before the Court of District Judge, Pithoragarh (Uttarakhand) to the Family Court at Gurgaon (Haryana).

Learned counsel for the petitioner contended that the petitioner has already filed an application under Section 125 of the Code of Criminal Procedure for maintenance which is already pending before the Family Court at Gurgaon. Therefore, it is desirable that the civil suit filed by the respondent husband is also transferred to the same place.

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Even though the prayer made by the learned counsel for the petitioner is vehemently opposed by the learned counsel for the respondent, but looking to the interest of justice, we hereby direct that the Hindu Marriage Petition No.42 of 2008, pending before the Court of District Judge, Pithoragarh (Uttarakhand) shall be transferred to the Family Court at Gurgaon (Haryana).

The records of the case shall be remitted to Family Court at Gurgaon (Haryana) immediately.

The transfer petition is allowed accordingly.

.....J
(DEEPAK VERMA)

.....J
(K.S. RADHAKRISHNAN)

New Delhi;
April 19, 2010.