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T.P.(C) No. 551 OF 2004  
ITEM No.28

Court No. 5

SECTION XVIA  
A/N MATTER

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.551/2004

NEELAM PRAVIN SINGH BHADORIA

Petitioner (s)

VERSUS

PRAVIN SINGH RAMAKANT BHADORIA  
( With Appln(s). for stay and exemption from filing O.T. )

Respondent (s)

With

T.P.(Crl.) No.355/2004  
( With appln. for stay )

Date : 01/04/2005 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA  
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. Rajesh Aggarwal, Adv.  
in TP 551/2004Mr. Mridul Aggarwal, Adv.

in TP(Crl.)355/2004Mr. Ashok Mathur, Adv.

For Respondent (s)  
in TP 551/2004 Mr. Ashok Mathur,Adv.

In TP(Crl.)355/2004Mr. Rajesh Aggarwal, Adv.  
Mr. Mridul Aggarwal, Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petition (Civil) No. 551 of 2004 is allowed and Transfer Petition (Criminal) No. 355 of 2004 is dismissed in terms of the signed order.

Anita

(Jasbir Singh)  
Court Master

(Signed Order is placed on the file.)

IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 551 OF 2004

NEELAM PRAVIN SINGH BHADORIA

...  
Petitioner

Versus

PRAVIN SINGH RAMAKANT BHADORIA

...  
Respondent

WITH

TRANSFER PETITION (CRIMINAL) NO. 355 OF 2004

O R D E R

Heard parties.

These two Transfer Petitions can be disposed of by this common Order. In Transfer Petition (Civil) No. 551 of 2004 the wife seeks transfer of H.M.J.Petition No. 707 of 2002 filed under Section 13 of Hindu Marriage Act titled as Pravin Singh Ramakant Bhadoria vs. Smt. Neelam Pravin Singh Bhadoria from the Family Court, Mumbai to the Court of Civil Judge (Senior Division) District Etawah, Uttar Pradesh. The grounds are that there is a small child who is born on 6th December, 2000 and there is a criminal case arising out of FIR No. 171 of 2001, P.S.Barpura, District Etawah under Section 498-A/323 read with Section 3/4 of Dowry Act which is pending at Etawah. It is also stated that she has no means of livelihood and is dependent on her parents, therefore, it would be difficult for her to travel and contest the case pending at Mumbai.

Transfer Petition (Criminal) No. 355 of 2004 has been filed by the husband for transfer of the criminal case mentioned above to the Court of Additional Chief Metropolitan Magistrate at Borivalli, Mumbai. The grounds given are that the Divorce Petition is also pending at Mumbai.

It is also stated that the family of the Respondent has considerable clout and therefore it is not safe for the husband to visit Etawah to attend criminal case. It is also claimed that it is inconvenient for him to go to Etawah on every occasion.

In our view, considering the fact that there is a small child which requires looking after by the mother, the criminal case cannot be transferred out of Etawah and the other cannot be allowed to continue in Borivalli, Mumbai. We therefore allow Transfer Petition (Civil) No. 551 of 2004 and dismiss Transfer Petition (Criminal) No. 355 of 2004. H.M.J.Petition No. 707 of 2002 titled as Pravin Singh Ramakant Bhadoria vs. Smt. Neelam Pravin Singh Bhadoria will stand transferred from the Family Court, Mumbai to the Court of Civil Judge (Senior Division) District Etawah, Uttar Pradesh.

.....J.

(S.N. Variava)

.....J.

(H.K. Sema)

New Delhi,  
April 01, 2005.