

ITEM NO.8 COURT NO.3 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(s). 932-933 OF 2010

PAYAL SARIN Petitioner(s)

VERSUS

SANJAY SARIN Respondent(s)

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

Date: 15/11/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.V. RAVEENDRAN  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s) Mr. Tanmaya Mehta,Adv.  
Mr. Shekhar Kumar,Adv.

For Respondent(s) Mr. Hrishikesh Baruah,Adv.  
Mr. Arjun Bobde,Adv.  
Mr. Sumeet Lall,Adv.

UPON hearing counsel the Court made the following  
O R D E R

In terms of the signed order, these transfer petitions are allowed and case H.M.A. no.169/2007 (now numbered 25/2010) and Contempt Petition No.M-09/2010 titled as "Sanjay Sarin vs. Payal Sarin" pending before Additional District Judge, Tis Hazari Courts, Delhi are ordered to be transferred to the District Court, Chandigarh. The District Court at Chandigarh to take up and dispose of the transferred cases alongwith the divorce petition (H.M.A.Petition No.339 of 2007) filed by the petitioner-wife, pending on his file. It is stated that the divorce petition is at the stage of arguments. In view of it, we request the court at Chandigarh to expedite the hearing and trial of the case that is being transferred so that both cases can be disposed of by a common order. This will not come in the way of the matter being proceeded with in mediation.

TP(C)No.932-933 of 2010

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(O.P. Sharma) (M.S. Negi)  
Court Master Court Master  
(Signed order is placed on the file)

TP(C)No.932-933 of 2010

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

PAYAL SARIN

Petitioner(s)

VERSUS

SANJAY SARIN

Respondent(s)

O R D E R

These petitions are filed by the wife seeking transfer of a petition filed under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights, pending before the District Court, Tis Hazari, Delhi, as also contempt proceedings arising therefrom, to a competent court at Chandigarh.

2. The petitioner has alleged that she is staying with her parents at Chandigarh; that she has to look after two minor children aged 8 years and 6 years; that the petitioner is also a student of law; that the petitioner is wholly dependent on her parents and does not have any permanent source of income; that the parents of the petitioner are not keeping good health therefore not in a position to accompany her to Delhi to defend her case; and that a divorce petition filed by her is already pending before the Additional District Judge, Chandigarh. On the facts and circumstances, we consider this a fit case for TP(C)No.932-933 of 2010

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transfer.

3. Accordingly, these transfer petitions are allowed and case H.M.A. no.169/2007 (now numbered 25/2010) and Contempt Petition No.M-09/2010 titled as "Sanjay Sarin vs. Payal Sarin" pending before Additional District Judge, Tis Hazari Courts, Delhi are ordered to be transferred to the District Court, Chandigarh. The District Court at Chandigarh to take up and dispose of the transferred cases

alongwith the divorce petition (H.M.A.Petition No.339 of 2007) filed by the petitioner-wife, pending on his file. It is stated that the divorce petition is at the stage of arguments. In view of it, we request the court at Chandigarh to expedite the hearing and trial of the case that is being transferred so that both cases can be disposed of by a common order. This will not come in the way of the matter being proceeded with in mediation.

.....J.  
[ R.V. RAVEENDRAN ]

NEW DELHI;  
NOVEMBER 15, 2010

.....J.  
[ A.K. PATNAIK ]