

(IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1169 OF 2005

SUNITA YADAV

Petitioner(s)

VERSUS

SANTOSH SINGH YADAV

Respondent(s)

O R D E R

This matter has been listed at the instance of the Registry, having regard to the letter received from the Additional Registrar (J) of the Chhattisgarh High Court, at Bilaspur, indicating that no Civil Suit No.42A of 2000, titled Santosh Singh Yadav v. Sunita Yadav, is pending before the District Judge, Korba, Chhattisgarh.

Transfer Petition (C) No.1169 of 2005, had been filed before this Court for transfer of the above-mentioned suit from the Court of District Judge, Korba, Chhattisgarh, to the Family Court at Jabalpur, M.P. The said transfer petition was allowed on 9th April, 2010. It is in that context that a letter has been received from the Chhattisgarh High Court.

Today when the matter is taken up, it is submitted by the counsel for the parties that the suit, which was a suit for divorce, had been decreed as far back as on 18th December, 2000, though ex-parte. This transfer petition having been made in 2005, there was, in fact, no suit as such pending before the District Court, Korba, at the time when the order was passed. Therefore, when the said order was passed, it was infructuous at the inception. We are also informed that an application under Order IX Rule 13 C.P.C., has been filed and is pending for restoration of the suit. Be that as it may, the order, as passed on 9 th

April, 2010, cannot remain on record and the same is, accordingly, recalled, but this will not prevent the petitioner from moving afresh in the event her application under Order IX Rule 13 C.P.C. is allowed.

.....J.
(Altamas Kabir)

.....J.
(Surinder Singh Nijjar)

New Delhi,
August 26, 2011.
ITEM NO.2

COURT NO.2

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.1169 OF 2005

SUNITA YADAV Petitioner(s)

VERSUS

SANTOSH SINGH YADAV Respondent(s)

(With office report for direction)

Date: 26/08/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR

For Petitioner(s) Ms. S. Janani, Adv.

For Respondent(s) Mr. Dharam Bir Raj Vohra, Adv.

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

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(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar

(Signed order is placed on the file)