

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1138 OF 2011

VANDANA RAJ GHOSAL

Petitioner(s)

VERSUS

RAJ BHABARANJAN GHOSAL

Respondent(s)

WITH

TRANSFER PETITION (CRIMINAL) NOS. 377-380 OF 2012

O R D E R

TRANSFER PETITION (CIVIL) NO. 1138 OF 2011

This is wife's petition seeking transfer of

Matrimonial Petition No. A-169 of 2011 titled "Raj Bhabaranjan Ghosal Vs. Vandana Raj Ghosal" pending

before the Family Court Thane at Thane, Maharashtra to

the Principal Judge, Family Court, Dehradun, Uttarakhand.

2. We have heard learned counsel for the petitioner. We have also heard Mr. Raj Bhabaranjan Ghosal, respondent in-person, as he wanted to argue the case himself. We have also perused the averments made in the Transfer Petition from which it transpires that petitioner-wife is residing in Dehradun, Uttarakhand.

3. The respondent, who appears in-person, does not dispute that the petitioner is residing in Dehradun, Uttarakhand. However, he submits that TP(C)NO.1138/2011 with TP(CRL)NOS.377-380/2012

petitioner has lodged false criminals cases against him and his parents in Dehradun and, if he attends the matrimonial case at Dehradun, there is no guarantee that petitioner will not lodge more false cases.

4. We are unable to accept the submission of the

respondent as it has no relevance for consideration of the transfer petition.

5. Having regard to the fact that the petitioner is residing in Dehradun, Uttarakhand, we are satisfied that, if the proceedings in the above case are allowed to be continued at Thane, Maharashtra, greater hardship shall be caused to the petitioner-wife.

6. We, accordingly, allow the Transfer Petition and transfer Matrimonial Petition No. A-169 of 2011 titled "Raj Bhabaranjan Ghosal Vs. Vandana Raj Ghosal" pending before the Family Court Thane at Thane, Maharashtra to the Principal Judge, Family Court, Dehradun, Uttarakhand. The transferrer court shall transmit the record and proceedings of the transferred case to the transferee court without any delay.

7. The transferee court is requested to hear and decide the transferred case as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the TP(C)NO.1138/2011 with TP(CRL)NOS.377-380/2012

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transferred case.

8. No costs.

TRANSFER PETITION (CRIMINAL) NOS. 377-380 OF 2012

Although Matrimonial Petition No. A-169 of 2011 has been transferred to the Principal Judge, Family Court, Dehradun, Uttarakhand, but having regard to the facts emanating in the Transfer Petition relating to criminal cases, we are satisfied that no justifiable ground is made out for transfer of criminal cases.

2. Transfer Petitions are dismissed.

.....J.  
( R.M. LODHA )

NEW DELHI; .....J.  
APRIL 21, 2014 ( KURIAN JOSEPH )  
TP(C)NO.1138/2011 with TP(CRL)NOS.377-380/2012

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ITEM NO.38 COURT NO.2 SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

TRANSFER PETITION (CIVIL.) NO(s). 1138 OF 2011

VANDANA RAJ GHOSAL Petitioner(s)

VERSUS

RAJ BHABARANJAN GHOSAL Respondent(s)  
(With appln(s) for stay and office report )

WITH  
T.P.(CRL) NO. 377-380 of 2012  
(With appln.(s) for stay and office report)

Date: 21/04/2014 These Petitions were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Mr. Bijan Kumar Ghosh,Adv.

For Respondent(s) Mr. Raj Bhabaranjan Ghosal  
(respondent-in-person)  
Mr. Naresh Kumar,Adv.

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

TRANSFER PETITION (CIVIL) NO. 1138 OF 2011

Transfer Petition is allowed in terms of the  
signed order.

TRANSFER PETITION (CRIMINAL) NOS. 377-380 OF 2012

Transfer Petitions are dismissed in terms of  
the signed order.

(Rajesh Dham)  
Court Master

(Renu Diwan)  
Court Master

(signed order is placed on the file)