

SUPREME COURT OF INDIA  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL) NO.4 OF 2007

BINA DEVI

Petitioner(s)

VERSUS

RAKESH KUMAR

Respondent(s)

(With appln(s) for stay, exemption from filing O.T. and office report)

Date: 17/09/2007 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s) Mr. Naresh Kumar,Adv.

For Respondent(s) Mr. Kamal Mohan Gupta,Adv. (N/P)

UPON hearing counsel the Court made the following  
ORDER

Heard learned counsel appearing on behalf of the  
petitioner.

The transfer petition is allowed.

[ T.I. Rajput ]  
A.R.-cum-P.S.

[ Om Prakash ]  
Court Master

[Signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [CIVIL] NO.4 OF 2007

Bina Devi

...Petitioner(s)

Versus

Rakesh Kumar

...Respondent(s)

O R D E R

Heard learned counsel appearing on behalf of the petitioner. Though the respondent has appeared and filed counter affidavit, but when the case was called out, no body has appeared to contest the prayer.

In the present case, prayer has been made for transfer of Divorce Case No.82 of 2004, titled as Rakesh Kumar vs. Bina Devi, pending before the Principal Judge, Family Court, Siwan, within the State of Bihar, to the District Judge, Tis Hazari Courts, Delhi. In the counter affidavit, the fact that the petitioner is residing at Delhi is not disputed. From bare perusal of the counter affidavit, it cannot be said that any ground for refusing the prayer for transfer is made out. In the facts and circumstances of the case, we are of the view that it is a fit case for transfer.

....2/-

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Accordingly, Divorce Case No.82 of 2004, titled as Rakesh Kumar vs. Bina Devi, pending before the Principal Judge, Family Court, Siwan, within the State of Bihar, is transferred to the District Judge, Tis Hazari Courts, Delhi, who shall either try the case himself or make over the same for trial to any other Court of competent jurisdiction.

The transfer petition is, accordingly, allowed.

.....J.  
[B.N. AGRAWAL]

.....J.  
[P.P. NAOLEKAR]

New Delhi,  
September 17, 2007.