

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). 1003 OF 2010

PRATIBHA SINDHOOR Petitioner(s)

VERSUS

SATISH KUMAR SHANKARLINGAM Respondent(s)

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

Date: 24/01/2011 This Petition was called on for hearing today.

CORAM :

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

For Petitioner(s) Mrs. Kanchan Kaur Dhodi,Adv.

For Respondent(s) Mr. D. Bharat Kumar,Adv.
Mr. Abhijit Sengupta,Adv.

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

In terms of the signed order, the Transfer Petition is allowed and Matrimonial Case OP No.919 of 2010 titled as "Satish Kumar Shankarlingam vs. Pratibha Sindhoor" pending before Family Court, Thiruvananthapuram, Kerala is ordered to be transferred to Family Court, Bangalore. Having regard to the fact that the respondent has to travel several times to Bangalore for the purposes of the aforesaid cases, the Family Court may accommodate the respondent with reference to dates of hearing of other cases, so that he can reduce his travels to Bangalore to the minimum.

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

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IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO.1003 OF 2010

PRATIBHA SINDHOOR Petitioner(s)

VERSUS

SATISH KUMAR SHANKARLINGAM Respondent(s)

O R D E R

This petition is filed by the wife seeking transfer of petition for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, filed by the husband, from Family Court, Thiruvananthapuram, Kerala to a court of competent jurisdiction at Bangalore, Karnataka. The petitioner alleges that she is residing with her son alone in Bangalore with no one to assist her; that petitioner's son is studying in a school in Bangalore and she is unable to make her son leave school and travel alongwith him every time she travels to Thiruvananthapuram to defend her case; and that she apprehends threat to her as well as her child's safety since the respondent has threatened to forcibly remove the child from her custody.

2. The petitioner has filed a suit OS 790 of 2009 against the respondent which is pending before Family Court, Bangalore. The petitioner has filed a petition under Section 12 of the Domestic Violence Act before the Additional Chief Metropolitan Magistrate, Bangalore and

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the petitioner has also lodged a FIR against the respondent at Bangalore for the offence punishable under Section 498A & 506 of IPC. The respondent is already travelling to Bangalore for those cases. Therefore he will not be prejudiced if his case is transferred to Bangalore. On the circumstances, we consider this a fit case for transfer.

3. Accordingly, the Transfer Petition is allowed and Matrimonial Case OP No.919 of 2010 titled as "Satish Kumar Shankarlingam vs. Pratibha Sindhoor" pending before Family Court, Thiruvananthapuram, Kerala is ordered to be transferred to Family Court, Bangalore. Having regard to

the fact that the respondent has to travel several times to Bangalore for the purposes of the aforesaid cases, the Family Court may accommodate the respondent with reference to dates of hearing of other cases, so that he can reduce his travels to Bangalore to the minimum.

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

NEW DELHI
JANUARY 24, 2011

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