

SUPR EME COUR T OF I N D I A
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 171-172 OF 2009 (for prel. hearing)

RATNA NANDANWAR Petitioner(s)

VERSUS

RAMESH P.NANDANWAR Respondent(s)

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

Date: 03/09/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

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

For Respondent(s) Mr.K. Uma Shankar,Adv.
Mr.Rajesh Singh,Adv.

UPON hearing counsel the Court made the following
ORDER

The Transfer Petitions are partly allowed in terms of the signed
order.

(Kusum Syal) (Juginder Kaur)
Sr.P.A Court Master

(Signed Order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL.) NO(s). 171-172 OF 2009

RATNA NANDANWAR Petitioner(s)

VERSUS

RAMESH P.NANDANWAR Respondent(s)

ORDER

These Transfer Petitions have been filed on behalf of the petitioner -

wife for transfer of M.C.J.No.63 of 2008 filed in Suit No.905 of 2007 and Suit No.34 of 2008, both pending before the Family Court, Lucknow, to a competent Court in Bhopal, M.P.

As far as M.C.J. No. 63 of 2008 is concerned, the same is an application for recall of an ex-parte decree of divorce passed in Suit No.905 of 2007 filed by the respondent - husband, Ramesh P.Nandanwar. Suit No. 34 of 2008, also filed by the respondent - husband, is for custody of the two minor children born out of the marriage between the petitioner and the respondent, who are living with the petitioner - mother.

As far as, the first application (MCJ 64 of 2008) is concerned, since the same has been filed for recall of an ex-parte decree of divorce, the same cannot be transferred, and, accordingly, learned counsel for the petitioner does not pursue his prayer in respect of the said application and confines his prayer to Suit No.34 of 2008.

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Having heard learned counsel for the respective parties and having regard to the fact that there are two minor children, one aged 8 years and the other aged 2 years, who are in the custody of the petitioner, we are inclined to allow the application for transfer as far as the said suit is concerned. The Transfer Petitions are accordingly allowed in part. With regard to Suit No.34 of 2008 pending before the Family Court at Lucknow, we direct that the said suit, titled Ramesh Nandanwar vs. Ratna Nandanwar, be transferred from the Family Court, Lucknow, to the Family Court in Bhopal, M.P.

.....J
(ALTAMAS KABIR)

.....J
(CYRIAC JOSEPH)

New Delhi

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Dated: 3 September, 2009