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ITEM NO.28

COURT NO.1

SECTION IVA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14861/2013

(From the judgement and order dated 26/02/2013 in WP No.50128/2012 of The HIGH COURT OF KARNATAKA AT BANGALORE)

PRACHI SINGH PATIL

Petitioner(s)

VERSUS

RAHUL G. PATIL

Respondent(s)

(With appln(s) for exemption from filing c/c of the impugned judgment, prayer for interim relief and office report)

Date: 07/05/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE THE CHIEF JUSTICE  
HON'BLE MR. JUSTICE VIKRAMAJIT SEN  
HON'BLE MR. JUSTICE KURIAN JOSEPH

For Petitioner(s) Ms. Meenakshi Lekhi,Adv.

Mr. Jitendra Kumar Tripathi,Adv.  
Mr. Himanshu Shekhar,Adv.  
Mr. Harish Pandey,Adv.

For Respondent(s) Mr. Gopal Subramaniam,Sr.Adv.

Mr. Rukmini Bobde,Adv.  
for M/s. Parekh & Co.,Advs.

UPON hearing counsel the Court made the following

O R D E R

At the time of hearing of the special leave petition, certain discrepancies regarding transfer of H.M.A. No.579 of 2008, from the Court of Civil Judge (Senior Division) at Thane, Maharashtra, to the Family Court at Bengaluru, Karnataka, have been pointed out by Ms. Meenakshi Lekhi, appearing for the petitioner, Smt. Prachi Singh Patil.

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It has been urged that the proceedings appear to have been commenced on a petition filed under Section 12(1)(c) of the Hindu Marriage Act, 1955, and that the same was transferred by this Court by virtue of the Order dated 14th December, 2010, to the Family Court at Bengaluru. However, on the records being received by the Family Court at Bengaluru, it was found that, instead of the records of H.M.A. No.579 of 2008, the records of M.P. No.579 of 2008, purporting to be a petition under Section 13 of the aforesaid Act, had been transferred. It has been alleged by Ms. Lekhi that there must have been some tampering with the records, which has caused the discrepancy.

On behalf of the respondent, Shri Rahul G. Patil, Mr. Gopal Subramaniam, learned senior advocate, submitted, on instructions, that, initially, the respondent had intended to file a petition under Section 12 of the aforesaid Act, but, subsequently, changed his mind and an application under Section 13 of the above Act was filed and, as a result, the numbering of the case on the petition itself was corrected by the Filing Authorities

at Thane in Maharashtra. Mr. Subramaniam further submitted that, inadvertantly, a copy of the petition under Section 12, which had been made ready, had been handed over to the learned advocate to the petitioner, although the same had never been filed, instead of the petition actually filed under Section 13.

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In order to resolve the controversy, we direct the Civil Judge (Senior Division) at Thane, Maharashtra, to make an enquiry and to send a report on the aforesaid anomaly. The Family Court at Bengaluru is also likewise directed to file a similar report.

Let this matter stand over till 5th August, 2013, to enable such reports to be filed and for further orders.

[ T.I. Rajput ]  
Deputy Registrar

[ Juginder Kaur ]  
Assistant Registrar