

Olyva Khare @ Olyva Mazumdar vs Somkant Khare @ Som Khare on 9 January, 2020

Bench: Deepak Gupta, Aniruddha Bose

ITEM NO.36

COURT NO.15

SECTION XVI-A

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

Transfer Petition(s)(Civil)

No(s). 2979/2019

OLYVA KHARE @ OLYVA MAZUMDAR & ANR.

Petitioner(s)

VERSUS

SOMKANT KHARE @ SOM KHARE

Respondent(s)

(FOR ADMISSION and IA No.192964/2019-STAY APPLICATION)

WITH

T.P.(C) No. 3028/2019 (XVI-A)

(FOR ADMISSION and IA No.196912/2019-STAY APPLICATION)

Date : 09-01-2020 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s)

Mr. Amit Gaurav Singh, AOR

For Respondent(s)

Mr. Sanyat Lodha,Adv.
Ms. Sanjana Saddy,Adv.
Ms. Anindita Mitra,Adv.

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

The Transfer Petitions are disposed of in terms of the signed order placed on the file.

(SUMAN WADHWA)
AR CUM PS

(PRADEEP KUMAR)
BRANCH OFFICER

Signed order is placed on the file. IN THE SUPREME COURT OF INDIA CIVIL ORIGINAL JURISDICTION TRANSFER PETITION (C) NO. 2979 OF 2019 OLYVA KHARE @ OLYVA MAZUMDAR PETITIONER(S) VERSUS SOMKANT KHARE @ SOM KHARE RESPONDENT(S) WITH TRANSFER PETITION (C) NO. 3028 OF 2019 O R D E R Heard learned counsel for the parties. These Transfer Petitions have been filed by the daughter and wife for transfer of the main matrimonial dispute as well as contempt proceedings pending before Judge No.2, Family Court Bandra, Bombay.

We are not commenting whether the wife has committed contempt of the Family Court or not and that is an issue which the Family Court must decide. However, the contempt proceedings should not be transferred to some other Court and therefore we are rejecting both the petitions at this stage. However, if the Family Court finds that no contempt has been committed, then the petitioner can file fresh petition for transfer of the proceedings.

Both the Transfer Petitions are dismissed accordingly.

.....J
(DEEPAK GUPTA)

New Delhi;
9th January, 2020.

.....J.
(ANIRUDDHA BOSE)