

Sumita Singh vs Kumar Sanjay And Anr. on 26 February, 2001

Equivalent citations: AIR2002SC396, AIR 2002 SUPREME COURT 396, AIRONLINE 2001 SC 514, 2001 AIR SCW 5193(1), 2001 (10) SCC 41, (2001) 1 DMC 591, (2001) 2 MARRILJ 409, (2001) 5 SUPREME 667, (2002) 2 MAHLR 54

Author: S.P. Bharucha

Bench: S.P. Bharucha

ORDER

1. This is a transfer petition by the wife. She seeks the transfer of matrimonial proceedings filed by the husband against her in Ara, Bhojpur to Delhi. It is her case that she is now living and working in Delhi and that she would be unable to travel up and down from Delhi to Ara, a distance of about 1100 Kilometers from Delhi, to defend the matrimonial proceedings. She also states that she has no one with whom she can stay in Ara because her parents are residents of Gurgaon.
2. Learned counsel for the husband states that the wife is an educated woman who is doing very well and can, therefore, travel to Ara while the husband is unemployed.
3. It is the husband's suit against the wife. It is the wife's convenience that, therefore, must be looked at, The circumstances indicated above are sufficient to make the transfer petition absolute.
4. Accordingly, Matrimonial Case No. 30 of 2000 pending before the VIth Additional District and Sessions Judge, Ara, Bhojpur, Bihar shall stand transferred to the District Judge, Delhi, who shall hear it himself or assign it for hearing to an appropriate forum.
5. No order as to costs.