

Arti Rani @ Pinki Devi & Anr vs Dharmendra Kumar Gupta on 16 July, 2008

Equivalent citations: 2008 AIR SCW 5805, 2008 (9) SCC 353, AIR 2009 SC (SUPP) 758, (2009) 1 RECCIVR 257, (2008) 10 SCALE 150.1, (2008) 72 ALL LR 777, (2008) 4 MPHT 525, (2008) 2 DMC 350, (2009) 1 CIVILCOURTC 224, (2009) 1 PUN LR 667, (2009) 1 ALL WC 366.1, (2009) 1 SIM LC 139, (2008) 69 ALLINDCAS 212 (SC)

Bench: Harjit Singh Bedi, Tarun Chatterjee

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IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C)No.294 of 2007

Arti Rani @ Pinki Devi & Anr. ...Petitioners

VERSUS

Dharmendra Kumar Gupta

...Respondent

O R D E R

1. Since Mr.Brajesh Kumar and Mr.Ajay Kumar Talesara, Advocates have entered appearance on behalf of the respondent, service of notice is, therefore, complete.

2. This is an application for transfer of Matrimonial (T.S.) Case No.1 of 2006 titled Dharmendra Kumar Gupta vs. Arti Devi @ Pinki Devi & Anr., pending in the Court of District Judge, Palamu at Daltanganj, within the State of Jharkhand, to the Family Court at Patna, within the State of Bihar.

3. Having heard the learned counsel for the parties and after considering the materials on record including the statements made in the application for transfer, we are of the view that since the petitioner is a lady having a minor male child, it would be difficult for her to attend the court at Palamu, Daltanganj which is within the State of Jharkhand and quite a distance from Patna where she is now residing with her child, we allow this application for transfer and the proceedings now pending being Matrimonial (T.S.) Case No.1 of 2006 in the Court of District Judge, Palamu at Daltanganj within the State of Jharkhand be transferred to the Family Court of Patna within the State of Bihar. The District Judge, Palamu at Daltanganj is directed to send the records of the aforesaid matrimonial case at an early date preferably within six weeks from the date of supply of a

copy of this order to him. The application for transfer is thus allowed. There will be no order as to costs.

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.....J. [Tarun Chatterjee] New Delhi;J. July 16, 2008. [Harjit Singh Bedi]