

Savitri vs Hari Chand on 12 January, 1998

Equivalent citations: 1998VIAD(SC)23, AIR1999SC55, 1999(1)ALT(CRI)44, 1998(4)CRIMES126(SC), JT1998(4)SC311, RLW1999(1)SC2, (1998)3SCC71, AIR 1999 SUPREME COURT 55, 1998 AIR SCW 3377, 1998 (3) SCC 71, 1998 UP CRIR 493, 1998 ADSC 6 23, (1998) 9 SUPREME 29, (1998) 37 ALLCRIC 222, (1999) 1 APLJ 5(1), (1998) 4 CRIMES 126, (1999) 1 MARRILJ 3, (1999) 1 RAJ LW 2, (1998) 4 JT 311 (SC)

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Bench: K. Venkataswami

ORDER

1. Respondent has been served but despite service is not present. No objections to this petition have been filed either.
2. We have heard learned counsel for the petitioner.
3. It transpires that a petition under Section 125 of the CrPC filed by the petitioner is pending in the Court of Metropolitan Magistrate, Delhi. The petitioner has, in that application, prayed for grant of maintenance allowance for herself and her daughter. The respondent has filed Hindu Marriage Petition No. 457 of 1996 before the Family Court at Agra seeking a decree of divorce under Section 13 of the Hindu Marriage Act, 1955. Through this petition, the petitioner seeks transfer of the Hindu marriage petition from the Family Court at Agra to Delhi.
4. Since no objections have been filed to this petition and no one appears to oppose the petition either, without expressing any opinion on the correctness or otherwise of the allegations made in this application, we consider it appropriate to allow this application and transfer Hindu Marriage Petition No. 457 of 1996 from the Family Court at Agra to the Court of the District Judge, Delhi, who may either deal with the petition himself or assign it to any other court of competent jurisdiction under him. The Family Court at Agra is directed to forthwith send the record of the case titled Hari Chand v. Savitri, Hindu Marriage Petition No. 457 of 1996 pending before it to the transferee court without any delay. The transferee court shall issue notice to the parties and dispose of the petition expeditiously. No costs.