

T.P.(C) No. 117-118 OF 2004
ITEM No.205

Court No. 5

SECTION XVIA
A/N MATTER

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

Transfer Petition.(Civil) No.117-118/2004

PREETI SHARMA

Petitioner (s)

VERSUS

MANJIT SHARMA

Respondent (s)

(With appln.(s) for stay and c/delay in filing counter affidavit and office report)
(For Final Disposal)

Date : 29/04/2005 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S.N. VARIAVA
HON'BLE MR. JUSTICE H.K. SEMA

For Petitioner (s)Mr. S.K. Bhattacharya,Adv.
Mr. K.N.Pandeya, Adv.

For Respondent (s)Mr. Sanjeev Srivastava, Adv.
Mr. Wills Mathews, Adv.
Mr. Koshy Jacob, Adv.

Mr. M.K. Michael,Adv.

UPON hearing counsel the Court made the following

O R D E R

The Transfer Petitions are dismissed in terms of the signed order.

(K.K. Chawla)
Court Master

(Jasbir Singh)
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NOS.117-118 OF 2004

PREETI SHARMA

Petitioner

VERSUS

MANJIT SHARMA

Respondent

O R D E R

This is a wife's Petition for transfer of Suit No.553/2003 titled as Manjit Sharma vs. Preeti Sharma pending before the Civil Judge, (Senior Division) Muzaffar Nagar, U.P. and Suit No.163/2003 titled as Manjit Sharma vs. Preeti Sharma pending before the Civil Judge, (Senior Division) Muzaffar Nagar, U.P. to the Court of District Judge, Karkardooma, Shahdara, Delhi.

The grounds made out are that the Petitioner is an unemployed lady and totally dependent on her uncle and that she will be hard pressed to defend the Suit at Muzaffar Nagar. It is also claimed that there is a Petition for restitution of conjugal rights and certain other proceedings pending in Delhi. In our view, no substantial ground for transfer has been made out. If the Petitioner wishes that all cases be tried at one place, she may apply for the same and we will transfer the cases pending in Delhi to Muzaffar Nagar. Merely because the Petitioner is a lady does not mean she cannot travel to Muzaffar Nagar. At the highest she can be paid expenses for travel and stay. We, therefore, direct that the Respondent shall pay to the Respondent and a companion travel and stay expenses on every occasion that the Petitioner is required to go to Muzaffar Nagar. The Court at Muzaffar Nagar shall ensure that such payment is made to the Petitioner on every occasion. With these directions, the Transfer Petitions are dismissed.

.....J.
(S.N. Variava)

.....J.
(H.K. Sema)
New Delhi;
April 29, 2005.