
(2008) 12 SC CK 0109
In the Supreme Court Of India
Case No : Transfer Petition (C) 888 of 2007

Purnima Sailani

APPELLANT

Vs

Shailendra Sailani

RESPONDENT

Date of Decision : 05-12-2008

Acts Referred:

Civil Procedure Code, 1908 (CPC) — Section 25
Criminal Procedure Code, 1973 (CrPC) — Section 125

Citation : (2010) 1 ALT 4 : (2009) 1 AWC 627 Supp : (2009) 1 OLR 439 :
(2008) 15 SCALE 614 : (2009) 1 SCC 656

Hon'ble Judges : V. S. Sirpurkar, J; Tarun Chatterjee, J

Bench : Division Bench

Advocate : Alok Gupta, for the Appellant; Rahul Trivedi, T. Mahipal, Ashok Trivedi and Beena Trivedi, for the Respondent

Final Decision : Disposed Of

Judgement

1. Heard learned Counsel for the parties.
2. This is an application for transfer filed at the instance of the wife petitioner u/s 25 of the CPC seeking transfer of Marriage Petition No. 693 of 2007 (Shailendra Sailani v. Purnima Sailani) now pending in the Family Court at Allahabad to a Court of competent jurisdiction at Kalyan and Ulhasnagar, Distt. Thane, Maharashtra.
3. Having heard the learned Counsel for the parties and after going through the materials on record and considering the fact that a petition u/s 125 of the Cr.PC is already pending before the Civil Judge and Judicial Magistrate, First Class, Ulhasnagar, Maharashtra and considering the fact that the wife petitioner is having one minor daughter named, Kavya, born on 27th of March, 2002, it would be difficult for her to attend the Court proceedings at Allahabad, we feel it proper to transfer the case from Family Court of Allahabad to Family Court at Ulhasnagar, Distt. Thane, Maharashtra. Accordingly, the case being Marriage Petition No. 693 of 2007 stands transferred from Family Court of Allahabad to

Family Court at Ulhasnagar, Distt. Thane, Maharashtra.

4. The learned Judge of Family Court at Allahabad is directed to transmit the case records of the aforesaid case to the Family Court at Ulhasnagar, Distt. Thane, Maharashtra within a period of one month from the date of supply of a copy of this order to him.

5. With the aforesaid directions, the application for transfer is thus allowed. There will be no order as to costs.