

SUPREME COURT OF INDIA

S.T. Krishnan

Vs.

Uma Maheswari

C.A.No.6512 of 2004

(Shivaraj V. Patil and B. N. Srikrishna JJ.)

05.10.2004

ORDER

1. Despite service of notice and opportunities given to the respondent, neither she is present nor represented.

2. Leave granted.

3. On 14th May, 2003, this Court passed the following order:

"Issue notice indicating that the petitioner is ready and willing to bear cost of the respondent, two children and also a person accompanying her to visit Vellore as and when required for the purpose of litigation there."

4. Having regard to the facts and circumstances of the case and looking to the impugned order, we are satisfied that the transfer sought in H.M.O.P. No.21 of 2003 from the Sub-Court, Vellore, to the Principal Family Court, Chennai, ought not to have been ordered. # Further, in view of the order dated 14th May, 2003, afore-mentioned, we allow this appeal and set aside the impugned order, making it clear that the proceedings in H.M.O.P. No.21 of 2003 shall proceed in Sub-Court, Vellore, subject to the condition that the appellant herein shall pay costs, as ordered by this Court on 14th May, 2003, whenever the presence of the respondent herein is required before the Sub-Court, Vellore.

5. The civil appeal is, accordingly, ordered.

No costs.