

SUPREME COURT OF INDIA

Monika Soni

Vs.

Kamal Soni

Transfer Petition (C) No.490 of 2008

(Tarun Chatterjee and G. S. Singhvi JJ)

03.12.2008

ORDER

1. This is a petition filed at the instance of the wife under Section 25 of the *Code of Civil Procedure, 1973* read with Order XXXVI Supreme Court Rules, 1966 seeking transfer of a case for a decree of divorce being Matrimonial Case No. 6/2007 filed under Section 13(1)(a) of the Hindu Marriage Act, now pending in the Court of S.D.J.M. Bargarh, Orissa to any Family Court having competent jurisdiction within Jaipur in the State of Rajasthan.

2. Having heard the learned counsel for the parties and after considering the materials on record and the statements made in the petition for transfer and having considered the age of the petitioner, we are of the view that the aforesaid Matrimonial Case being Case No. 6/2007 be transferred to the Family Court at Jaipur in the State of Rajasthan. Accordingly, we allow this application for transfer and direct the transfer of the aforesaid case to the Family Court at Jaipur, Rajasthan. The S.D. J. M., Bargarh, Orissa is directed to transmit the case records of the aforesaid case to the Family Court at Jaipur, Rajasthan within a period of two months from the date of supply of a copy of this order to him.

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