

SUPREME COURT OF INDIA

Purnima Sailani

Vs.

Shailendra Sailani

Transfer Petition (C) 888 of 2007

(Tarun Chatterjee and V.S. Sirpurkar JJ.)

05.12.2008

ORDER

1. Heard learned counsel for the parties.
2. This is an application for transfer filed at the instance of the wife petitioner under Section 25 of the Code of Civil Procedure seeking transfer of Marriage Petition No. 693 of 2007 (Shailendra Sailani Vs. Purnima Sailani) now pending in the Family Court at Allahabad to a Court of competent jurisdiction at Kalyan and Ulhasnagar, Distt. Thane, Maharashtra.
2. Having heard the learned counsel for the parties and after going through the materials on record and considering the fact that a petition under Section 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.
3. 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.
4. With the aforesaid directions, the application for transfer is thus allowed. There will be no order as to costs.