

SUPREME COURT OF INDIA

Rajni Kumari

Vs.

Raghvinder Sahay @ Lal Babu

Transfer Petition (C) 551 of 2007

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

12.12.2008

ORDER

1. Heard learned counsel for the parties. This is an application for transfer filed at the instance of the wife petitioner under Section 25 of the *Code of Civil Procedure, 1908* read with Order XXXVI-B of the Supreme Court Rules seeking transfer of Matrimonial Suit No. 5 of 2005 (Raghvinder Kumar @ Lal Babu Vs. Rajni) now pending in the Family Court at Khagaria, Bihar to a competent Family Court at New Delhi.
2. Having heard the learned counsel for the parties and after going through the materials on record and considering the fact that the wife petitioner, being 24 years of age, is having no source of income and fully dependent on her parents and also considering the fact that the distance from Khagaria to Delhi is about 1500 kms, it would be difficult for her to attend the Court proceedings at Khagaria, Bihar, we feel it proper to transfer the case from the Family Court of Khagaria, Bihar to a competent Family Court at New Delhi.
3. Accordingly, the case being Matrimonial Suit No. 5 of 2005 pending before the Family Court of Khagaria, Bihar stands transferred from the Family Court of Khagaria, Bihar to the Family Court at New Delhi.
4. The learned Judge of the Family Court at Khagaria, Bihar is directed to transmit the case records of the aforesaid case to the Family Court at New Delhi 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 disposed of. There will be no order as to costs.