

SUPREME COURT OF INDIA

Gunjan Bansal

Vs.

Atul Bansal

Transfer Petition (C.) No.1197 of 2008

(K.G. Balakrishnan CJI., V.S.Sirpurkar and P.Sathasivam JJ.)

16.03.2009

ORDER

Heard both sides.

1. The petitioner herein is the wife and is staying with her parents at Dehradun in Uttarakhand along with her seven year old child. The respondent-husband has filed a matrimonial Suit before the Family Court at Agra and the petitioner says that she is not in a position to defend the case in view of her financial condition and seeks for transfer of the case to Dehradun. This plea is opposed by the husband as he is having bronchial asthma and other illnesses and the transfer of the case would cause great inconvenience to him. We do not think that this is an appropriate ground for rejecting the transfer of the petition as the respondent can very well prosecute his case at Dehradun. Therefore, we direct for transfer of H.M.A. Case No.426 of 2008 pending before the Family Court at Agra to the Family Court at Dehradun. All records are transferred by the Family Court at Agra to the Family Court at Dehradun.

The transfer petition is allowed accordingly.