

NON-REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.921 OF 2006

Vandana Sharma

...Petitioner

VERSUS

Rakesh Kumar Sharma

...Respondent

ORDER

1. By this transfer petition, the wife – Smt.Vandana Sharma seeks transfer of S.M.A. Case No.6 of 2006 (Rakesh Kumar Sharma vs. Smt. Vandana Sharma) pending in the Court of Additional District Judge, Tis Hazari Courts, Delhi to the Court of District Judge, Panchkula (Haryana), which has been filed at the instance of the husband - Rakesh Kumar Sharma for divorce under Section 27(1)(b)(d) of the Special Marriage Act, 1954.

2. In spite of due service on the respondent to contest the application for transfer, no one has entered appearance on behalf of the husband – opposite party to contest the application for transfer of the aforesaid matrimonial proceeding from Delhi to Punchkula (Haryana).

3. We have heard the learned counsel for the petitioner and considered the entire materials on record. It is an admitted fact that the wife/petitioner is having two minor daughters staying with her, one of whom is only 7 months' old and that, it would be very difficult for her to attend the Court at Delhi from Punchkula (Haryana), where she is now residing with her two minor daughters in the absence of any male member to accompany her from Punchkula to Delhi, it would be just and proper that the matrimonial proceedings pending in the Tis Hazari Courts at Delhi be transferred to the Court of the District Judge, Punchkula (Haryana) at an early date.

4. Accordingly, we allow this application for transfer and the Additional District Judge, Tis Hazari Courts, Delhi, before whom the aforesaid case is pending, is directed to transmit the records of the said case at an early date preferably within one month from the date of supply of a copy of this order to him. It is expected that the District Judge, Panchkula (Haryana) or any other appropriate court to be nominated by the District Judge, Panchkula (Haryana) shall dispose of the case within one year from the date of receiving the records of the same without granting any unnecessary adjournments to either of the parties.

5. The application for transfer is thus allowed. There will be no order as to costs.

.....J.
[Tarun Chatterjee]

New Delhi;
August 21, 2008.

.....J.
[Aftab Alam]