

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C)No.2428 OF 2017

DHANIKA SAINATH NAIDU @ DHANIKA SUBHASH NIMBALKARPETITIONER

VERSUS

THOTA SAINATH NAIDURESPONDENT

O R D E R

This is a transfer petition at the instance of the petitioner-wife seeking transfer of HMP No.40 of 2017, titled as Thota Sainath Naidu vs. Smt.Dhanika Sainath Naidu @ Dhanika Subhash Nimbalkar, pending before the Court of Sr.Civil Judge, Zaheerabad, Telangana to the Family Court, Bandra, Mumbai.

The petitioner has sought transfer of the case mainly on the ground of financial difficulty and her inability to travel from Borivali, Mumbai to Zaheerabad, Telangana, which is at a distance of about 729 Kms, leaving her minor son, to attend the proceedings of the case filed by the respondent.

Notice of the transfer petition has been duly served upon the respondent, but neither he nor any one else has appeared on his behalf and no counter affidavit has been filed to oppose the prayer made by he petitioner.

.....2/-

In view of the hardships which will be faced by the petitioner in contesting the case at Zaheerabad, Telangana, we deem it proper to allow the transfer petition and transfer HMP No.40 of 2017, titled as Thota Sainath Naidu vs. Smt.Dhanika Sainath Naidu @ Dhanika Subhash Nimbalkar, pending before the Court of Sr.Civil Judge, Zaheerabad, Telangana, to the Family Court, Bandra, Mumbai, along with all records for its adjudication. Ordered accordingly.

After transfer of the petition, the transferee Court is directed to make all endeavour either for amicable settlement or for early decision in the matter without unnecessary adjournments.

.....J.
(N.V.RAMANA)

.....J.
(AJAY RASTOGI)

NEW DELHI;
JULY 08, 2019.

ITEM NO.30

COURT NO.3

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Civil) No(s).2428/2017

DHANIKA SAINATH NAIDU @ DHANIKA SUBHASH NIMBALKAR Petitioner(s)

VERSUS

THOTA SAINATH NAIDU

Respondent(s)

IA No.139468/2017 - STAY APPLICATION

Date : 08-07-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA
HON'BLE MR. JUSTICE AJAY RASTOGI

For Petitioner(s) Mr. B. S. Banthia, AOR

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

The transfer petition is allowed in terms of the signed order.

(SATISH KUMAR YADAV)
AR-CUM-PS

(RAJ RANI NEGI)
ASSISTANT REGISTRAR

(Signed order is placed on the file)