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ITEM NO.3

COURT NO.9

SECTION XVIA

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO 88 OF 2012

DEEPIKA SRIVASTAVA Petitioner(s)

VERSUS

SAPAN KHARE Respondent(s)
(With appln. for directions, c/delay and exemption from filing O.T.)

Date: 17/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE H.L. GOKHALE
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Harsh Vardhan Surana, Adv.

For Respondent(s) Mr. Anurag Tomar, Adv.
Mr. Rameshwar Prasad Goyal, Adv.

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

Delay condoned.
we set-aside the ex-parte decree in the Divorce Case R.S.
No.482 of 2011, in the interest of justice, restore the said case
and transfer the same to the competent Court at Haldwani, District
Nainital, Uttarakhand.
I.A.Nos.3 & 4 are disposed of.

[Usha Bhardwaj]
A.R-cum-P.S.

[Sneh Lata Sharma]
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION
I.A. NOS. 3 & 4 OF 2012 IN
TRANSFER PETITION (C) NO. 88 OF 2012

DEEPIKA SRIVASTAVA PETITIONER(S)

VERSUS

SAPAN KHARE RESPONDENT(S)

O R D E R

Delay condoned.

I.A.No.3 application for directions has been filed by the
respondent-husband praying to recall the order passed by this Court

dated 4.7.12 ex-parte in Transfer Petition No.88 of 2012. The said transfer petition was filed by the wife seeking transfer of Divorce Case R.S. No.482 of 2011 pending on the file of the Civil Judge (Senior Division), Bahraich, U.P. to any competent Court at Haldwani, District Nainital, Uttarakhand.

By order dated 4th July, 2012, the said transfer petition was allowed transferring the divorce case to the District Judge Haldwani. In the instant application it is stated that by the date of the said order, the above mentioned divorce application had already been decreed ex parte. Therefore, nothing to be transferred as directed by this Court. But unfortunately this fact was not brought to the notice of this Court as the applicant could not be present before the Court when the matter was taken up.

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Heard learned counsel for the applicant.

Having regard to the totality of the present case, we deem it appropriate to recall order of this Court dated 4th July, 2013 while restoring the above mentioned transfer petition to the file. Thereafter on hearing the learned counsel for the applicant, we set-aside the ex-parte decree in the Divorce Case R.S. No.482 of 2011, in the interest of justice, restore the said case and transfer the same to the competent Court at Haldwani, District Nainital, Uttarakhand. We record the statement of the learned counsel for the husband that consequent upon the ex-parte divorce decree, he has not remarried.

Ordered accordingly.

.....J.
(H.L. GOKHALE)

.....J.
(J. CHELAMESWAR)

New Delhi,
December 17, 2013.