

**IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION**

TRANSFER PETITION (CIVIL) Nos. 1081-1082 OF 2008

SEEMA

... **Petitioner(s)**

Versus

SUDHIR

... **Respondent(s)**

ORDER

This is an application for transfer of Original Petition, being M.O.P. 136 of 2007, titled Seema Vs. Sudhir S. and O.P. 197 of 2007, titled Sudhir S. Vs. Seema, pending before the Family Court at Palakkad, Kerala, to the Family Court at Bangalore, State of Karnataka. Admittedly, the proceedings have been initiated before the Family Court at Palakkad by the petitioner wife for divorce. However, according to the petitioner, after her separation from the respondent, she has been forced to take up an employment in Bangalore, where she is living with her minor daughter, aged about 5 years. The minor daughter is also attending school in Bangalore.

-2-

Despite the difficulties expressed on behalf of the respondent, mainly on account of examination of witnesses, we are inclined to allow the transfer petitions

mainly on account of the fact that the minor girl child is with her mother. Apart from the fact that it would be difficult for the petitioner to leave the child to attend to the court proceedings in Bangalore, it would also be difficult to take her minor child with her for the said purpose. Besides, it would also lead to disruption of the child's studies in school. It is on the said grounds that we allow the transfer petitions.

Let the Original Petition, being M.O.P. 136 of 2007, and O.P. 197 of 2007, pending before the Family Court at Palakkad, Kerala, be transferred to the Family Court at Bangalore, Karnataka.

(ALTAMAS KABIR)

.....J.

(CYRIAC JOSEPH)

.....J.

New Delhi,
April 20, 2009.

JUDGMENT