

HIGH COURT OF JAMMU AND KASHMIR
AT JAMMU

CTA no. 09/2011,
CMA no. 12/2011

Date of order: 01.02.2013

Syed Ayaz Hussain v. Bibi Saima and anr.

Coram:

Hon'ble Mr. Justice M. M. Kumar, Chief Justice

Appearing counsel:

For the petitioner(s) : Mr. K. L. Pandita, Advocate.
For the respondent(s) :

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|----|--|---|--------|
| 1) | Whether approved for reporting
in Press/Media | : | Yes/No |
| 2) | Whether to be reported in
Digest/Journal | : | Yes/No |
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M. M. Kumar, CJ

1. Shri Syed Ayaz Hussain has approached this Court with a prayer for transfer of the case titled as ***Bibi Saima v. Syed Ayaz Hussain and anr.*** filed under Section 25 Code of Civil Procedure from the Court of learned District Judge, Anantnag to any other Court of competent jurisdiction at Jammu. Some vague allegations have been levelled by Syed Ayaz Hussain for transfer of the proceedings in the aforesaid case.

2. Having heard learned counsel for the appellant at some length, I am of the considered view that no ground for transfer has been made out particularly when financial position of Bibi Saima is very weak.

She claims to be the wife of the petitioner who has divorced her. She has filed an application to declare her as indigent person, as is evident from the record. It would be for more onerous for her to pursue her proceedings at Jammu than at Anantnag. She lives with her parents.

3. In view of the above, the petition is found without any merit and the same is accordingly, dismissed.

(M. M. Kumar)
Chief Justice

Jammu,
01.02.2012
Parshant