**AFFIDAVIT IN SUPPORT OF THE PETITION FOR TRANSFER**

IN THE SUPREME COURT OF INDIA

Affidavit

in

Transfer Petition No..................... of 1986

........................................................................ Petitioner

*versus*

................................................................... Respondents

Affidavit of.................... son of Shri.................... aged about.................... years, resident of....................

I,..................... deponent aforementioned, solemnly state and affirm as follows:

1. That I am the petitioner in the aforesaid transfer petition and as such am fully acquainted with the facts deposed to below.

2. That I have been read over and explained the contents of the accompanying transfer petition and those of this affidavit and have fully understood the same.

3. That the contents of paras 1, 2, 3, 4 and 6 of the transfer petition and those of paras 1 and 2 of this affidavit are true to my personal knowledge and those of para 5 of the transfer petition are based on legal advice which I believe to be true. That no part of this affidavit is false and nothing material has been concealed.

Verified this.................... day of.................... at....................

**Deponent**

**CASE LAW**

**SCOPE OF THE SECTION**

Under this section the Supreme Court has power to transfer a suit from one High Court to another in the ends of justice. What is expedient for the ends of justice will have to be judged upon the totality of facts and circumstances in a given case.1

**POWER OF HIGH COURT NOT MADE NUGATORY.**

The power of High Court relating to transfer of cases under section 23(3) does not stand superseded, i.e., it is not rendered nugatory in view of the amended section 25.2

**ESSENTIALS TO MOVE APPLICATION FOR TRANSFER OF CASE IN SUPREME COURT**

A Transfer petition in the Supreme Court may be moved after notice or motion to the parties to a suit or proceeding, in the form of a petition supported by an affidavit. If the Supreme Court finds that the application was frivolous or vexatious, it would naturally dismiss it and also can award compensation to the opposing party a sum not exceeding two thousand rupees. What is expedient in the ends of justice will be judged upon the totality of facts and circumstances in a given case.3

***Section 25***

**TRANSFER PETITION**

In a transfer petition for transfer of matrimonial proceedings the convenience that has to be prevail is the convenience of wife and the issue of marriage.4

***Section 25***

**REJECTION OF TRANSFER PETITION.**

The transfer petition is not liable to be rejected merely on ground that wife has come to court with unclean hands.5

1. Arvee Industries v. Ratanlal Sharma, A.I.R. 1977 S.C. 2429: 1978 (1) S.C.R. 418: 1978 (1) Rent L.R. 27: 1977 (4) S.C.C. 363: 1977 Cur.L.J. (Civil) 588: 1977 Rev.L.R. 657: 1977 Punj.L.J. 434.

2. A.I.R. 1980 Bom. 337: 1980 Hindu L.R. 400: 1980 Mah.L.J. 269.

3. Arvee Industries v. Ratan Lal, A.I.R. 1977 S.C. 2429: (1977) 4 S.C.C. 363.

4. Rachna Kanodia v. Anuk Kanodia, 2001 (4) CCC 116 (SC).

5. Raj Laxmi Sharma v. Dilip Kumar Sharma, AIR 2000 SC 3572.