

h!

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO(s). 36 OF 2009

SHARMISTHA CHOUDHARY

Petitioner(s)

VERSUS

ANIRBAN CHOUDHARY

Respondent(s)

WITH T.P.(C)No.96 of 2009
with T.P.(c)No.97 of 2009

O R D E R

These transfer petitions have been filed on behalf of the wife praying for transfer of F.C(Criminal Case)No.366/08 (Sharmistha Chaudhury Vs. Anirban Chaudhury), F.C. (Misc.Case)No.138 of 2008, pending before the Family Court, Kamrup (Guwahati), to the Court of learned District Judge, Delhi and F.C.(Civil Case)No.383/08, along with counter claim for divorce, filed by Anirban Choudhury, pending before the Family Court, Kamrup (Guwahati), to the Court of the learned District Judge, Delhi.

When notice was issued in these matters and the respondent had appeared, we had referred the matter to mediation to see whether settlement could be arrived at between the parties. Unfortunately, such mediation has not been successful.

It has been submitted on behalf of the respondent that there was

still a possibility that the matter may be settled. However, this is a question which cannot be considered by us any further having regard to the failure of the mediation proceedings and

-2-TP(Crl.)No.36/09

the parties will be at liberty to apply before the competent court for any further directions in this regard.

However, having heard learned counsel for the parties, we allow the three transfer petitions and direct that the above mentioned matters pending before the Family Court, Kamrup (Guwahati), be transferred to the Court of District Judge, South Delhi. We also make it clear that all orders relating to

visitation rights of the respondent with regard to the minor child shall remain in force.

.....J.
(ALTAMAS KABIR)

.....J.
(Dr. MUKUNDAKAM SHARMA)

.....J.
(A.K. PATNAIK)

NEW DELHI,
July 06, 2010.
ITEM NO.45

Court No.2

SECTION XVIA

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 (CRL.) NO(s). 36 OF 2009

SHARMISTHA CHOUDHARY

Petitioner(s)

VERSUS

ANIRBAN CHOUDHARY

Respondent(s)

(With appln(s) for stay and directions and permission to place on record subsequent facts and office report)

WITH T.P.(C) NO. 96 of 2009

(with appln.(s) for stay and office report)

T.P.(C) NO. 97 of 2009

(with appln.(s) for stay and permission to file addl.documents and office report)

Date: 06/07/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR

HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA

HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Gagan Gupta,Adv.

Ms. Sonia Arora,Adv.

For Respondent(s)

Mr. K.N. Balgopal, Sr.Adv.

Mr. Mohit Kumar Shah, Adv.-on-Record

Mr. Rituraj Biswas, Adv.

Mr. Manish Kumar, Adv.

UPON hearing counsel the Court made the following

O R D E R

The transfer petitions are allowed in terms of the signed order.

(Sheetal Dhingra)

Court Master

[Signed order is placed on the file]

(Juginder Kaur)

Court Master