

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(s). 229 OF 2009

SHAMSHER SINGH & ANR. Petitioner(s)

VERSUS

DEVINDER SINGH & ANR. Respondent(s)

(With appln(s) for ex-Parte stay, and initiating Criminal proceedings against the Petitioner U/S. 340 Cr.P.C., exemption from filing O.T., SEEKING PERMISSION TO BRING ADDITIONAL FACTS and office report)

WITH T.P.(C) NO. 406 of 2009
(With Appln. For stay and office report)

Date: 25/08/2010 These Petitions were called on for hearing today.

CORAM :
HON'BLE DR. JUSTICE MUKUNDAKAM SHARMA
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s)
Mr. Manoj Prasad, Adv.
Mr. Sadashiv Gupta, Adv.
Mr. Satendra Singh, Adv.

For Respondent(s)
Mr. S.K. Bagga, Sr. Adv.
Mrs. Sureshta Bagga, Adv.
Mr. Seeraj Bagga, Adv.

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

Heard learned counsel appearing for the parties.
Transfer Petitions are allowed and the application filed under Section 340 Cr.P.C. in T.P.(C) No. 229 of 2009 also stands disposed of in terms of the signed order.

(NEELAM GULATI)
SR.P.A.

(RENU DIWAN)
COURT MASTER

(Signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 229 OF 2009

SHAMSHER SINGH & ANR.

Petitioner(s)

VERSUS

DEVINDER SINGH & ANR.

Respondent(s)

WITH Transfer Petition (C) NO. 406 of 2009

ORDER

Heard learned counsel appearing for the parties on these petitions which are filed praying for transfer of the guardianship suit pending at Mohali to Ganga Nagar, Rajasthan and for consolidating both the cases for trial.

There are two suits pending between the parties; one being the declaratory suit filed by the petitioner herein which is pending at Ganga Nagar, Rajasthan. The same was instituted on 7.11.2005 by the petitioner. Subsequent thereto, a guardianship suit was instituted by Mr. Devinder Singh, the respondent No.1. He is the natural father of the child who is at the center stage of the dispute between the parties.

The issue that is raised before us is not only transfer of the proceeding but also the fact that since the reliefs sought for in both the suits are almost similar, they should therefore be tried at the same place so as to avoid possible conflict of decision. The child is residing in Ganganagar, Rajasthan alongwith the adoptive parents whereas Mr. Devinder Singh, respondent No.1 is the natural father.

Considering the facts and circumstances of the case, we are of the considered opinion that reliefs sought for in both the suits being almost similar, they should be tried at the same place for convenience and also to avoid possible conflicting decisions by two different Courts. At one stage, we were thinking of having both the matters at Ganga Nagar, Rajasthan but the counsel appearing for the respondents has stated that it is not possible for the respondents to contest the matter at Ganga Nagar, Rajasthan. Considering the facts and circumstances of the case, we direct that both the matters be transferred and be tried at Jaipur. Both the suits are therefore ordered to be transferred to the Principal District Judge, Jaipur, who shall allot both the cases to one competent Court. Parties shall appear before the Principal District Judge, Jaipur on 20th September, 2010 for obtaining the date and the particular of the Court where that matter is transferred and to be tried. This order is passed looking at the convenience of both the parties.

In terms of the above order Transfer Petitions are disposed of.

The application filed under Section 340 Cr.P.C. in T.P.(C) No. 229 of 2009 also stands disposed of in terms of above order.

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

.....J

New Delhi
August 25, 2010

(ANIL R. DAVE)