

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. 183 OF 2006

ASMEET KAUR MARWAH

Petitioner(s)

VERSUS

AMARBACHAN SINGH MARWAH

Respondent(s)

(With appln(s) for stay and office report)

Date: 25/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. AGRAWAL

HON'BLE MR. JUSTICE P.P. NAOLEKAR

For Petitioner(s)

Mr. B.L. Chawala,Adv.

Mr. Satyapal Khushal Chand Pasi,Adv.

For Respondent(s)

Ms. Rachna Joshi Issar,Adv.

UPON hearing counsel the Court made the following

O R D E R

Herd learned counsel for the parties.

The transfer petition is allowed.

[Alka Dudeja]

Court Master

[Om Prakash]

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION [CIVIL] NO. 183 OF 2006

Asmeet Kaur Marwah

...Petitioner(s)

Versus

Amarbachan Singh Marwah

...Respondent(s)

O R D E R

Heard learned counsel for the parties.

The present petition has been filed for transfer of H.M.A.

Case No.55 of 2005, titled Amarbachan Singh Marwah Vs.

Asmeet Kaur Marwah, pending before the Additional District

Judge, Chandigarh to the Court of District Judge, Delhi. During

the pendency of this petition, the parties have settled up their

entire disputes and a compromise petition has been filed before

this Court wherein they have agreed to suffer a consent decree

under Section 13B of the Hindu Marriage Act, 1955 and the entire amount of permanent alimony, as agreed to between them, has been paid to the wife. Apart from that, they have further agreed that F.I.R. No.415 of 2006 under Section 498A read with Section 34 of the Indian Penal Code [for short, 'I.P.C.'], which was

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registered against the respondent and his relatives at Moti Nagar Police Station, within New Delhi, and pending investigation inasmuch as the criminal case arising out of the same pending before the Metropolitan Magistrate, Moti Nagar, New Delhi, should be quashed. It has been also stated that a petition under Sections 9 and 33 of the Code of Civil Procedure read with Section 18 of the Hindu Adoptions and Maintenance Act, 1956, which was filed by the wife for maintenance, which is pending before the Additional District Judge, Tis Hazari Court, Delhi, shall stand withdrawn.

Accordingly, the transfer petition is allowed and H.M.A. Case No.55 of 2005, titled Amarbachan Singh Marwah Vs. Asmeet Kaur Marwah, instead of being transferred to Court of District Judge, Delhi is transferred to this Court and the same is disposed of on the terms enumerated in the compromise petition,

which shall form part of this order. The petition for maintenance referred to above stands disposed of as withdrawn. The criminal case pending against the respondent and his relatives arising out of F.I.R. No.415 of 2006 under Section 498A read with Section 34 I.P.C. and the police investigation therein are hereby quashed.

.....J.

[B.N. AGRAWAL]

.....J.

[P.P. NAOLEKAR]

New Delhi,

September 25, 2006.