

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO. 148 OF 2012

REKHA SINGH

Petitioner(s)

VERSUS

RANJEET KUMAR @ VIKAS

Respondent(s)

WITH

T.P.(C) NOS. 429-430 OF 2012

O R D E R

Transfer Petition (Criminal) No. 148 of 2012

Dr. L.S. Chaudhary, learned counsel for the petitioner, seeks withdrawal of the transfer petition with liberty to file fresh petition, if necessary.

2. Transfer petition is dismissed as withdrawn.

Transfer Petition (Civil) Nos. 429-430 of 2012

By these transfer petitions, the petitioner-wife seeks transfer of two petitions filed by the respondent-husband; one, F.C. (Civil) No. 575 of 2009 for restitution of conjugal rights under Section 9 of the Hindu Marriage Act, 1955 (for short, 'Act') and the other, F.C. (Civil) No. 486 of 2011 seeking divorce and dissolution of marriage under Section 13(1)(ia) of the Act from the Family Court, Kamrup, Guwahati, Assam to the Court of District Judge, Muzaffarpur, Bihar.

2. As regards petition being F.C. (Civil) No. 575 of 2009, Mr. N.N. Jha, learned counsel for the respondent-husband submits that the said petition has been withdrawn.

3. Having regard to that, Transfer Petition (Civil) No. 429 of 2012 seeking transfer of petition being F.C. (Civil) No. 575 of 2009 does not survive and it is dismissed as such.

4. Insofar as transfer of petition being F.C. (Civil) No. 486 of 2011 filed by the respondent-husband under Section 13(1)(ia) of the Act is concerned, although in the present transfer petition the petitioner-wife has stated that she is residing permanently in Muzaffarpur, Bihar, but we find from the maintenance petition filed by the wife under Section 125 of the Code of Criminal Procedure, 1973 that she is presently resident of Guwahati as in that petition she has described her address as follows :-

"Present resident of  
Maligaon, Petrol Pump,  
Near Sanjibani Hospital,

P.S. Jalukbari, Guwahati,  
Dist. Kamrup, Assam"

5. She has also given address of her father who resides at Sahpur (Dakhin Tola), P.S. Sahebganj, Dist. Muzaffarpur, Bihar, but the present residence at P.S. Jalukbari, Guwahati is described.

6. In view of the above, we are satisfied that no case for transfer of divorce petition - F.C. (Civil) No. 486 of 2011 - is made out. Accordingly, Transfer Petition (Civil) No. 430 of 2012 is dismissed.

7. In view of dismissal of the Transfer Petitions, interim order dated April 9, 2012 passed by this Court does not survive and it stands vacated.

.....J.  
( R.M. LODHA )

NEW DELHI; .....J.  
AUGUST 24, 2012 ( ANIL R. DAVE )  
ITEM NO.51 COURT NO.7 SECTION XVIA

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 148 OF 2012

REKHA SINGH Petitioner(s)

VERSUS

RANJEET KUMAR @ VIKAS Respondent(s)

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

WITH

T.P.(C) NO. 429-430 of 2012  
(With appln(s) for stay and office report)

Date: 24/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA  
HON'BLE MR. JUSTICE ANIL R. DAVE

For Petitioner(s) Dr. L.S. Chaudhary, Adv.  
Mr. Ajay Chaudhary, Adv.  
Mr. Purvish Jitendra Malkan, Adv.

For Respondent(s) Mr. N.N. Jha, Adv.  
Mr. Arna Das, Adv.  
Mr. Rameshwar Prasad Goyal, Adv.

UPON hearing counsel the Court made the following

O R D E R

Transfer Petition (Criminal) No. 148 of 2012

Transfer petition is dismissed as withdrawn in terms of the signed order.

Transfer Petition (Civil) Nos. 429-430 of 2012

Transfer Petitions are dismissed in terms of the signed order.

In view of dismissal of the Transfer Petitions, interim order dated April 9, 2012 passed by this Court does not survive and it stands vacated.

|(Rajesh Dham)  
|Court Master

| |(Renu Diwan)  
| |Court Master

|

(signed order is placed on the file)