

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). 162 OF 2011

GUNNASINGH CHELADURAI & ANR. Petitioner(s)

VERSUS

ROHIT SINGHAL Respondent(s)

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

WITH

T.P.(CRL) NO. 360-361 of 2011  
[ROHIT SINGHAL V. M/S. THE METAL POWER CO. LTD.]  
(With application for stay and office report)

T.P.(C) NO. 389 of 2012  
[ROHIT SINGHAL V. M/S. THE METAL POWER CO. LTD.]  
(With application for stay and office report)

Date: 09/08/2012 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR  
HON'BLE MR. JUSTICE H.L. GOKHALE

For Petitioner(s) Mr. V. Prabhakar, Adv.  
in TP 162 Mr. R. Chandrachud, Adv.  
Ms. Jyoti Parashar, Adv.

In other TPS Dr. Alok K. Sharma, Adv.  
Mr. P.V. Yogeswaran, Adv.

For Respondent(s) Dr. Alok K. Sharma, Adv.  
Mr. P.V. Yogeswaran, Adv.

Mr. V. Prabhakar, Adv.  
Mr. R. Chandrachud, Adv.  
Ms. Jyoti Parashar, Adv.

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

...2/-

Transfer Petition (Crl)No. 162 of 2011 is allowed and Transfer Petition  
(Crl) Nos. 360-361 of 2011 and Transfer Petition © No. 389 of 2012 are  
dismissed in terms of the signed order.

[KALYANI GUPTA]  
COURT MASTER

| | [INDU BALA KAPUR]  
| | COURT MASTER

[SIGNED ORDER IS PLACED ON THE FILE.]  
IN THE SUPREME COURT OF INDIA  
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRIMINAL) NO.162 OF 2011

GUNNASINGH CHELADURAI & ANR. . . . . PETITIONERS

VERSUS

ROHIT SINGHAL . . . . . RESPONDENT

WITH

TRANSFER PETITION (CRIMINAL) NOS. 360-361 OF 2011

ROHIT SINGHAL . . . . . PETITIONER

VERSUS

M/S. THE METAL POWER CO. LTD. . . . . RESPONDENT

AND

CIVIL ORIGINAL JURISDICTION  
TRANSFER PETITION (C) NO. 389 OF 2012

ROHIT SINGHAL . . . . . PETITIONER

VERSUS

M/S. THE METAL POWER CO. LTD. . . . . RESPONDENT

O R D E R

We have heard the learned counsel for the parties.

We are of the considered opinion that in the facts and circumstances the most natural place where the issues arising out of these matters are to be decided would be the Courts at Thirumangalam, Madurai District, Tamil Nadu.

In view of the above, Transfer Petition (Cr1) No. 162 of 2011 is allowed. Complaint Case No. 3906 of 2010 now pending on the file of the learned Additional Chief Judicial Magistrate (Court No. 8), Meerut, Uttar Pradesh, titled as Rohit Singhal v. Guna Singh Cheladurai and another is transferred to the Court of learned Judicial Magistrate, Thirumangalam, Madurai District, Tamil Nadu.

We see no merit in the Transfer Petition (Cr1) Nos. 360-361 of 2011 seeking transfer of STC Case No. 721 of 2009 and 1407 of 2009 filed under Section 138 of the Negotiable Instruments Act pending in the Court of Judicial Magistrate, Thirumangalam to a court of competent jurisdiction in Meerut (Uttar Pradesh). The same is accordingly dismissed.

Similarly, we find that Transfer Petition © No.389 OF 2012 seeking transfer of a civil suit filed under Section 9 of the Arbitration and Conciliation Act, 1996 from the Court of District Judge, Madurai to the Court of District Judge, Meerut is without any merit. Under the Arbitration Clause the place of arbitration is fixed at Madurai. We see no reason to transfer the suit away from the courts at the seat of the Arbitration.

In view of the above, the aforesaid two transfer petitions are dismissed.

. . . . .J  
[SURINDER SINGH NIJJAR]

.....J  
[H.L. GOKHALE]

NEW DELHI  
AUGUST 09, 2012.