

SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 202 OF 2007

JYOTSANA SHARDA

Petitioner(s)

VERSUS

GAURAV SHARDA
(for final disposal)

Respondent(s)

Date: 04/12/2008 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s) Mr. Prabhijit Jauhar,Adv.
Ms. Anumpa Kaul,Adv.
Mr. S.S. Jauhar,Adv.

For Respondent(s) Mr. Raj Singh Rana,Adv.
Ms. Preeti Sharma,Adv.

UPON hearing counsel the Court made the following
ORDER

The Transfer Petition is allowed in terms of the signed order.

(Ganga Thakur)
P.S. to Registrar

(Juginder Kaur)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO.202 OF 2007

JYOTSANA SHARDA

..PETITIONER (S)

Versus

GAURAV SHARDA

..RESPONDENT
(S)

ORDER

We have heard learned counsel for the parties on the Transfer Petition filed by the wife for transfer of case, being HMA No.208/07, pending before the District Judge, Panchkula, to a competent Family Court at Gurgaon or Delhi. It has been brought to our notice that, in fact, there are several matters pending between the parties apart from the said matrimonial proceedings, both in Gurgaon as well as in Panchkula, and before the Punjab & Haryana High Court. One of the grounds taken by

the petitioner-wife is that she has a minor child and she has expressed apprehension regarding not only her safety, but possible attempts to remove the minor child from her custody forcibly.

Apart from the above, the petitioner-wife is now residing in Gurgaon which is about 350 km. away from Panchkula.

Having regard to the facts of this case, we are satisfied that sufficient grounds have been made out to allow the Transfer Petition. While transferring the matrimonial case, in our view, the other cases pending

-2-

in Gurgaon and before the Punjab & Haryana High Court, should also be transferred, so that all the matters can be heard together. Accordingly, as far as the proceedings before the learned District Judge, Panchkula are concerned, let the same be transferred to the Central District Judge, Tis Hazari, to be heard either by himself or by any designated court to be selected by him. As far as the two criminal cases, being FIR No. 1195/06 dated 18.11.2006, Police Station DLF, Gurgaon, and complaint case No.587/06 pending before the Judicial Magistrate First Class, Gurgaon, are concerned, let the same stand transferred to the District Judge, Patiala House, Delhi, for disposal by the court of competent jurisdiction. As far as the criminal revision cases, being No.946/08, filed by the respondent and 1013/08 filed by the wife, pending in the Punjab & Haryana High Court are concerned, the same shall be transferred to the Delhi High Court and Criminal Case No.16/08, pending in the court of Additional District Judge, Gurgaon, shall also stand transferred to the District Judge, Patiala House, New Delhi.

Since, we are informed that Mediation Proceedings have failed, the District Judge, Tis Hazari is requested to expedite the hearing of the matrimonial case, so that the same may be disposed of at an early date.

The Transfer Petition is allowed accordingly.

(ALTAMAS KABIR)

.....J.

New Delhi, (MARKANDEY KATJU)
December 4,2008.

.....J.