

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

Transfer Petition(Criminal) No.226/2021

ANUPAMA CHOUBEY (TIWARI)

Petitioner(s)

VERSUS

HRIDAYESH CHOUBEY

Respondent(s)

O R D E R

The petitioner (wife) has filed this Transfer Petition seeking transfer of Miscellaneous Case No.287 of 2017 titled as "Mrs. Anupama Choubey (Tiwari) vs Hridayesh Choubey" filed by the petitioner (wife) under Section 125 of the Code of Criminal Procedure, 1973, which is pending before the Court of 3rd Judicial Magistrate, Burdwan, West Bengal to the Court of competent jurisdiction at Mumbai (Maharashtra).

The above-stated transfer has been sought by the petitioner – wife in the background that she is working as a lecturer at Mumbai and 8 years girl child, born out of the wedlock, is also staying with her and studying in a school at Mumbai.

In such circumstances, where the petitioner (wife) is doing a job and also required to look after the girl child, it would be difficult for her to go and pursue her maintenance petition at a place which is more than 2000 kms away.

The record reveals that mediation efforts have also failed.

Today, the petitioner (wife) as well as the respondent (husband) have been heard through Video Conferencing mode.

After interacting with them, it appears that there is no possibility of any amicable settlement of their matrimonial disputes at this stage.

In such circumstances and keeping in view the hardship likely to be faced by the petitioner (wife) in pursuing her Maintenance Petition at Burdwan, West Bengal, we allow this Transfer Petition and ordered transfer of Miscellaneous Case No.287 of 2017 titled as "Hridayesh Choubey Vs Anupama Choubey (Tiwari)" filed by the petitioner (wife) under Section 125 of the Code of Criminal Procedure, 1973 which is pending in the Court of 3rd Judicial Magistrate, Burdwan, West Bengal, to the Court of competent jurisdiction at Mumbai (Maharashtra).

The Principal District & Sessions Judge, Mumbai (Maharashtra) shall entrust the case to Court of competent jurisdiction before whom the parties are directed to appear on 19-10-2022.

The Learned Judicial Magistrate/Family Court/Court of competent jurisdiction, to whom the case would be entrusted shall make an endeavor to decide the case as early as possible but not later than 6 months reckoned from the date of communication of a copy of this order.

The records be forwarded to the transferee Court forthwith.

.....J
(SURYA KANT)

.....J
(J.B. PARDIWALA)

NEW DELHI
5TH SEPTEMBER, 2022

ITEM NO.31

COURT NO.14

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G STransfer Petition(Criminal) No.226/2021

ANUPAMA CHOUBEY (TIWARI)

Petitioner(s)

VERSUS

HRIDAYESH CHOUBEY

Respondent(s)

Date : 05-09-2022 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT

HON'BLE MR. JUSTICE J.B. PARDIWALA

For Petitioner(s)

Mr. Dushyant Tiwari, Adv.

Mr. Omprakash Ajitsingh Parihar, AOR

For Respondent(s)

Mr. Umesh Kumar, Adv.

Mr. Rajesh Kumar, Adv.

Mr. Parminder Singh Bhullar, AOR

Mr. D.P. Singh Yadav, Adv.

Suresh Kumari, Adv.

Ms. Sundri, Adv.

UPON hearing the counsel the Court made the following

O R D E R

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

(VISHAL ANAND)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
BRANCH OFFICER

(Signed Order is placed on the file)