

ITEM NO.1725

COURT NO.9

SECTION IV-C

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(s) (Civil) No(s) . 859/2023

POOJA MOTWANI

Petitioner(s)

VERSUS

DHANRAJ MOTWANI

Respondent(s)

ONLY T.P. Criminal 359/23 to be listed before the Hon'ble  
Judge in Chamber

WITH

T.P. (Crl.) No. 359/2023 (II-A)

Date : 21-04-2025 This petition was called on for hearing  
today.

CORAM :

HON'BLE MR. JUSTICE PRASANNA B. VARALE  
[IN CHAMBER]

For Petitioner(s) :Mr. Kaustubh Shukla, AOR  
Ms. Supriya Juneja, AOR

For Respondent(s) :

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

T.P. (Crl.) No. 359/2023

1. None is present for the petitioner(s).
2. A perusal of the earlier orders indicates that in spite of sufficient opportunities granted to the petitioner(s), the petitioner(s) failed to take steps so as to effect service on the unserved respondent(s).

3. The office report refers to the letter dated 01.03.2025. A perusal of the said letter shows that the Ms. Pooja Motwani, who is respondent no.1 in this petition, requested for providing legal assistance to her. Though, it is stated in paragraph-3 of the application that DVA Application No. 29/2020 and other maintenance case, are filed by the respondent no.1-wife and are pending on the file of Additional Session Judge, Gondia, Maharashtra, and she be provided legal assistance through a particular advocate so as to defend her petition and in the letter communication, she prays for necessary direction to be given to the Supreme Court Legal Services Authority.

4. Learned counsel, Ms. Supriya Juneja, who is appearing for the petitioner in the main petition, and who is virtually present before this Court, submits that applicant-Ms. Pooja Motwani (respondent no.1) has filed an independent proceeding namely Transfer Petition (Civil) No.859/2023. In the said petition, the learned counsel is appointed by the Supreme Court Legal Services Authority to appear on behalf of Ms.Pooja Motwani, the petitioner.

5. Vide the Order dated 08.05.2023, the learned Judge in Chamber, directed the Registry to tag T.P. (Crl.) Diary Nos. 10865 and 10876 of 2023 with T.P. (C) No. 859 of 2023. Vide the same order, notices were issued to the respondents in both the petitions making the same returnable within six weeks. There is also an interim stay granted in the proceedings being DVA App. 29/2020, HMP No. 71 of 2020, MCA No. 23/2022 and Reg.Dar. No. 38/2021.

6. In this fact situation, learned counsel, Ms. Supriya Juneja, appearing for the petitioner is permitted to waive the service of notice on respondent no.1-Pooja Motwani in T.P.(Crl.) No. 359 of 2023.

7. It is submitted by the learned counsel appearing for respondent no.1, Pooja Motwani, that the petitioner in T.P.(Crl.) No. 359 of 2023 is avoiding to take steps to serve the respondent no.2.

8. She further invites the Court's attention to the order dated 07.12.2023 passed by the learned Registrar. The order reads as under;

*" Despite due service on respondent nos.3 and 5 to 7, there is no appearance.*

*Ld. counsel for petitioner has failed to take fresh steps and furnish fresh particulars, for effecting service upon respondent no.4 and failed to file application for substitution in respect of deceased respondent nos.1 and 2.*

*Hence, process the matter for listing before the Hon'ble Judge-in-Chambers, for further directions.*

9. She further submits that there is an interim order passed in T.P.(Cr1.) No.359 of 2023 and the petitioner is not taking necessary steps and the petition filed by the petitioner, Ms. Pooja Motwani, being T.P.(C) No. 859 of 2023 is pending before this Court without there being any effective order.

10. List the matter(s) after two weeks for further orders.

(NISHA KHULBEY)  
SENIOR PERSONAL ASSISTANT

(MAMTA RAWAT)  
ASSISTANT REGISTRAR