

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). 245 OF 2004

AJIT SINGH & ORS.

Petitioner(s)

VERSUS

PUSHPA RANI

Respondent(s)

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

WITH

T.P.(CRL) NO. 45 of 2005

(With office report)

T.P.(C) NO. 52 of 2005

(With application for stay and office report)

Date: 25/09/2006 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ASHOK BHAN

HON'BLE MR. JUSTICE MARKANDEY KATJU

For Petitioner(s)

in TR 245/04

and

Ms. S. Janani,Adv.

for respondent in

TR 45/2005

for Petitioner(s)

in TR 45 & TC 52

Mr. Anil K. Chopra, Adv.

and for respondent

in TR 245/2004

For Respondent(s)

Mr. Naveen Kr. Singh, Adv. for

in TC52/2005

Mr. Aruneshwar Gupta, Adv.

in TR 45/2005

Ms. Purnima Bhat Kak, Adv.

Mrs Anil Katiyar, Adv.

UPON hearing counsel the Court made the following

O R D E R

While TP(Crl) No. 245/2004 is allowed, TP(C) No. 52/2005 and TP(Crl) No. 45/2005 are

dismissed in terms of the signed order.

(J.S. Rawat)

(Kanwal Singh)

AR-cum-PS

Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA

CRIMINAL/CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL) NO. 245 OF 2004

Ajit Singh & Ors.  
Petitioner(s)

Versus

Pushpa Rani

Respondent(s)

With  
TRANSFER PETITION (C) NO. 52 OF 2005

TRANSFER PETITION (CRL) NO. 45 OF 2005

O R D E R

Transfer Petition (Criminal) No. 245 of 2004 has been filed by the husband and his family members under Section 406 of the Code of Criminal Procedure seeking transfer of Complaint Case No. 258 of 2004 filed by the wife in Aligarh, U.P. to Delhi whereas wife

has filed Transfer Petition(C) No. 52 of 2005 under Section 25 of the Code of Civil Procedure and Transfer Petition(Criminal) No. 45 of 2005 under Section 406 of the Code of Criminal Procedure seeking transfer of divorce case filed by the husband at Karkardooma Courts, Sahadra, Delhi and Complaint Case vide FIR No. 127/2002 under Section 498-A IPC titled as State vs. Ajit Singh pending in the Court of Metropolitan Magistrate, Tis Hazari, Delhi to the court of competent jurisdiction at Aligarh (U.P.).

Heard learned counsel for the parties.

After hearing counsel for the parties, in our opinion, the transfer petitions filed by the wife i.e. T.P.(C) No. 52 of 2005 and T.P.(Crl.) No.45 of 2005 deserve to be dismissed and Transfer Petition(Crl.) No. 245 of 2004 filed by the husband, pending in the Court of Additional Civil Judge (J.D.), Aligarh, U.P. deserves to be allowed.

Husband-petitioner in TR(Crl) No. 245 of 2004 has alleged that the respondent-wife has filed a complaint under Section 498-A IPC against the petitioner and his parents in Tis Hazari Court describing herself as the resident of Delhi. Petitioner-husband filed divorce petition on 5th June, 2002 in the District Courts, Shahdara, Delhi which is also pending in Delhi. The respondent-wife has sought the transfer of these cases from Delhi to Aligarh. According to the petitioner-husband, respondent is working at Ghaziabad. The complaint has been filed by the respondent at Aligarh in order to harass the petitioner. He has been

threatened of physical harm. According to the wife-respondent, she was living in Delhi earlier but has now shifted to Aligarh. It is admitted by her that she is working as District Health Education and Information Officer and is posted at Ghaziabad.

Initially we made a proposal to transfer all the three cases to Ghaziabad where the respondent is posted. The counsel for the respondent flatly refused to accept the offer. The distance between Aligarh and Ghaziabad, as has been told to us, is more than 100 Kms..

It seems that the respondent is residing in Delhi and she has instituted the proceedings at Aligarh only to harass the petitioner. The respondent-wife is residing at Dilshad Garden Delhi, which is at a distance of about four kilometers from the Karkarduma Courts.

Accordingly, we dismiss T.P.(C) No. 52 of 2005 and T.P.(Cr1) No. 45 of 2005 filed by the respondent-wife and allow the T.P. (Cr1) No. 245 of 2004 filed by the petitioner-husband.

District Judge, Aligarh, U.P. is directed to transfer the entire record relating to Complaint Case No. 258 of 2004 titled as Pushpa Rani v. Ajit Singh & Ors. to the District Judge, Karkarduma Court, Delhi, who, on receipt of the record either keep it on his own board or may assign the same to any other Court of competent jurisdiction.

J. ....  
(ASHOK BHAN)

New Delhi;  
.J.  
September 25, 2006.

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(MARKANDEY KATJU)