

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION (CRIMINAL) NO.216 OF 2011

PUSHPMALA JAIN & ANR

Petitioner(s)

VERSUS

MONISHA JAIN & ANR

Respondent(s)

O R D E R

This transfer petition has been filed on behalf of the mother-in-law and the sister-in-law of the respondent No.1, Monisha Jain, who has filed a complaint against them under the provisions of the Protection of Women from Domestic Violence Act, 2005. The complaint has been filed in Jaipur, where the respondent No.1 claims to reside, though such contention has been contested.

The petitioners have filed this petition on the ground that the petitioner No.1 is an old lady, approaching 80 years of age and suffering from various diseases, which have affected her mobility and physically it would be difficult for her to attend to the case in Jaipur, Rajasthan. As far as the petitioner No.2, is concerned, it is submitted that she is a resident of Delhi, but the grounds taken in the transfer petition do not really make out a case as far as she is concerned.

On behalf of the respondent No.1, it has been urged that notwithstanding the fact that the petitioner No.1 is about 80 years old, from the various documents annexed to

the pleadings, it would be clear that she was in a position to move around between Deharadun and Delhi and it would not, therefore, be impossible for her to travel to Jaipur in connection with the case. It has also been submitted that the respondent No.1 has two minor children of her own, whom she has to look after and that if the transfer petition is allowed, she would be put to difficulty, as far as her two children are concerned.

Weighing the difficulties faced by both the parties, we are of the view that the transfer petition should be allowed since the problems being faced by the petitioner No.1 are graver than the difficulties which the respondent No.1 may have to face, if the complaint case filed by her in Jaipur is transferred to a court of competent jurisdiction in Delhi.

Accordingly, we allow the transfer petition and direct that Complaint Case No.10 of 2011, filed by the respondent No.1 and pending before the Additional Civil Judge-cum-Metropolitan Magistrate XI, P.S. Vaishali Nagar, Jaipur, Rajasthan, titled Smt. Monisha Jain v. Rahul Jain and Others, be transferred to the District Judge, Saket, who will have the same heard and disposed of by a court of

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competent jurisdiction.

The transfer petition is disposed of accordingly.

In order to facilitate the travel of the respondent No.1, from Jaipur to Delhi, in connection with the case, the respondent No.2 shall provide a sum of Rs.5,000/-, each time the respondent No.1 is required to come to Delhi in connection with the case. Such payment shall be made to the respondent No.1 when she attends the Court.

Let the records of the case be transferred to the court of District Judge, Saket, Delhi, as quickly as possible, but within two weeks from the date of

communication of this order and once the records are transferred, the transferee court should try and dispose of the matter, as early as possible, but preferably within six months from the date of receipt of the records.

In the light of the facts of this case, we request the Magistrate trying the case to make all efforts to try and persuade the parties to arrive at a mutual settlement through mediation.

.....J.
(ALTAMAS KABIR)

.....J.
(SURINDER SINGH NIJJAR)

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.....J.
(J. CHELAMESWAR)

New Delhi,
November 24, 2011.

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ITEM NO.24 COURT NO.2 SECTION XVIA

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.216 OF 2011

PUSHPMALA JAIN & ANR Petitioner(s)

VERSUS

MONISHA JAIN & ANR Respondent(s)

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

Date: 24/11/2011 This Petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE SURINDER SINGH NIJJAR
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Ms. Aparna Bhat, AOR
Mr. P. Ramesh Kumar, Adv.

For Respondent(s) Mr. Bharat Sangal, AOR
Ms. Vernika Tomar, Adv.
Ms. Srijana L., Adv.

Ms. Shalini Sheoran, Adv.
Ms. Aishwarya Bhati, AOR

Mr. Neeraj Shekhar, AOR

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

The transfer petition is disposed of in terms of the
signed order.

(Chetan Kumar)
Court Master

(Juginder Kaur)
Assistant Registrar

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(Signed order is placed on the file)