

T%ITEM NO.44

COURT NO.13

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(s). 231-232 OF 2009

DALJEET KAUR

Petitioner(s)

VERSUS

DARBARA SINGH

Respondent(s)

(With appln(s) for ex-Parte stay and office report)

Date: 02/08/2010 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.M. PANCHAL
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Mr. S. K. Gupta, Adv.
Mr. Balbir Singh Gupta, Adv.

For Respondent(s) Dr. Kailash Chand, Adv. (N.P.)

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

The Transfer Petitions stand disposed
of in terms of the signed order.

(Neetu Sachdeva)
Sr. P. A.

(Renuka Sadana)
Court Master

(signed order is placed on the file)
IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CRL.) NO(s). 231-232 OF 2009

DALJEET KAUR

Petitioner(s)

VERSUS

DARBARA SINGH

Respondent(s)

O R D E R

By filing these petitions, the petitioner has
prayed to transfer two criminal complaints viz. one
titled as "Darbara Singh Vs. Daljit Kaur" and second
titled as "Darbara Singh Vs. Daljit Kaur & 8 Ors."
pending in the court of learned Chief Judicial
Magistrate, Srinagar (J&K) to the court of learned

Chief Judicial Magistrate, SAS Nagar, Mohali
(Punjab).

This Court has heard the learned counsel for the petitioner. Though the respondents are duly served and Dr. Kailash Chand and Mr. Mithilesh Kumar Singh, learned advocates have filed vakalatnama and memo of appearance on behalf of respondent No.1 and respondent Nos. 2 to 5 respectively, none has remained present even during second calling of the matter. The order sheet indicates that these matters

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were listed for appropriate orders with office report before the Registrar on 5.5.2010. On that date nobody remained present for the respondent nor any request to permit the respondent to file counter affidavit was made. Therefore, the matters were ordered to be listed before the Court as per Rules.

Accordingly, the matters were listed for hearing before the Court on 6.7.2010. On that date also, the learned counsel for the respondent was not present.

In spite of insistence of the learned for the petitioner to proceed with the matters, the matters were adjourned by four weeks to enable the respondent to represent his case before the Court. The matter is lingering on since long and that is how the Court has decided to proceed with the hearing of the matters.

This Court has heard the learned counsel for the petitioner. The Court has also taken into consideration the uncontroverted averments made in the petition and "urgency affidavit" filed by the petitioner on June 20, 2009.

In view of the reasons stated by the petitioner in para 5 (a) to 5 (p) of the petitions, this Court

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is of the view that prayer made in the petitions

deserves to be granted.

For the foregoing reasons, the Transfer Petitions are allowed. The two criminal complaints i.e one titled as "Darbara Singh Vs. Daljit Kaur" and second titled as "Darbara Singh Vs. Daljit Kaur & 8 Ors." pending in the court of learned Chief Judicial Magistrate, Srinagar (J&K) are hereby ordered to be transferred to the court of learned Chief Judicial Magistrate, SAS Nagar, Mohali (Punjab).

The Transfer Petitions accordingly stand disposed of.

.....J.
(J. M. PANCHAL)

NEW DELHI
AUGUST 2, 2010

.....J.
(GYAN SUDHA MISRA)