

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1114 OF 2012

KRISHNA MALIK AND ANOTHER PETITIONER(S)

VERSUS

SHAKUNTALA DEVI AND OTHERS RESPONDENT(S)

O R D E R

Petitioner No. 1 is the widow whose husband died in an accident. Petitioner No. 2 is the minor daughter of the petitioner No. 1. The respondent Nos. 1 and 2 are her mother-in-law and father-in-law. There is a dispute about the claim between the petitioners on the one hand and respondent Nos. 1 and 2 on the other. The petitioners seek transfer of claim petition being MACT Petition No. 1164 of 2010, titled as "Shakuntala Devi and another vs. Gulshan Kumar and others", from the court of Motor Accident Claims Tribunal, Rohtak, Haryana to the court of Motor Accident Claims Tribunal, Tis Hazari Courts, Delhi.

2. The respondent Nos. 1 and 2 have filed counter-affidavit and a plea has been set-up by them that they are old and, therefore, they would also

suffer hardship if the claim petition is transferred from Rohatak (Haryana) to Delhi.

3. It appears from the record that the respondent No. 2 is a Head Constable in Delhi Police and at present is posted at the Regional Transport Office, Rajpur Road, Delhi. This categorical averment has been made by the petitioner in paragraph 3 of the rejoinder-affidavit to which there is no specific challenge.

4. Having regard to the above, we are satisfied that greater hardship shall be caused to the petitioners if the claim petition is proceeded with at Rohtak (Haryana).

5. We, accordingly, allow the transfer petition and transfer MACT Petition No. 1164 of 2010, titled as "Shakuntala Devi and another vs. Gulshan Kumar and others", from the court of Motor Accident Claims Tribunal, Rohtak, Haryana to the court of Motor Accident Claims Tribunal, Tis Hazari Courts, Delhi. The transferrer court shall transmit the record and proceedings of the transferred claim petition to the transferee court without any delay.

6. The transferee court is requested to hear and

decide the transferred claim petition as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the claim petition.
7. No costs.

.....J.
(R.M. LODHA)

NEW DELHI;
DECEMBER 2, 2013.

.....J.
(SHIVA KIRTI SINGH)

RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 1114 OF 2012

KRISHNA MALIK & ANR

Petitioner(s)

VERSUS

SHAKUNTALA DEVI & ORS.

Respondent(s)

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

Date: 02/12/2013 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Kawaljit Kochar, Adv.
Ms. Kusum Chaudhary, Adv.

For Respondent(s) Mr. Gautam Awasthi, Adv.
Mr. Gaurav Malhotra, Adv.
Mr. Ayush Choudhary, Adv.

Ms. Manjeet Chawla ,Adv

Mr. Rakesh Kumar Yadav, Adv.
Mrs. Santosh Singh ,Adv

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

Transfer Petition is allowed in terms of signed order. No
costs.

|(Pardeep Kumar)
|Court Master

| |(Renu Diwan)
| |Court Master

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[SIGNED ORDER IS PLACED ON THE FILE]