

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(C)NO.826 OF 2011

VIBHA SINGH

... PETITIONER

VERSUS

JAGAT BIR SINGH

... RESPONDENT

O R D E R

1. This Transfer Petition is filed by the petitioner under Section 406 of the Code of Criminal Procedure, 1973, read with Order XXXVI-B of the Supreme Court Rules, 1966, for transfer of case being H.M.P. No.52/2010, titled as "Jagat Bir Singh vs. Vibha Rana", pending before the Court of District Judge, Patiala, Punjab to be tried, heard and disposed of along with Criminal Miscellaneous Application No.340 of 2010 titled as "Vibha Singh & anr. Vs. Jagat Bir Singh pending before the learned Chief Judge, Family Court, Dehradun, Uttarakhand.

2. On the request made by the respondent-herein, the Family Court has granted an ex-parte decree in favour of the respondent. Aggrieved by the same, the petitioner has filed an application to set aside the ex-parte decree. We are informed that the said application is still pending before the Trial Court for its consideration and decision.

3. In view of the above, we are of the opinion that during the pendency of the aforesaid application, the petitioner could not have filed this Transfer Petition for transfer of the case which is not pending before any Court.

4. Accordingly, we dismiss this Transfer Petition with liberty to the petitioner to approach this Court if the case pending before the Trial Court is restored.

.....J.
(H.L. DATTU)

.....J.
(C. NAGAPPAN)

NEW DELHI;
JANUARY 03, 2014
ITEM NO.42

COURT NO.3

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 (CIVIL.) NO(s). 826 OF 2011

VIBHA SINGH

Petitioner(s)

VERSUS

JAGAT BIR SINGH

Respondent(s)

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

Date: 03/01/2014 This Petition was called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE H.L. DATTU

HON'BLE MR. JUSTICE C. NAGAPPAN

For Petitioner(s) Ms.Jaikriti S.Jadeja, Adv.
Ms. Charu Mathur,Adv.

For Respondent(s) Mr. Anupam Lal Das,Adv.
Mr.Anirudh Singh, Adv.
Mr.Dipesh Sinha, Adv.

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

The Transfer Petition is dismissed, in terms of the signed order.

(G.V.Ramana)
Court Master
(signed order is placed on the file)

(Vinod Kulvi)
Asstt.Registrar