

2. This is an unusual matter. There is a divorce petition pending between the petitioner-wife and her husband Krishnan Venkiteswaran. That divorce petition has already been transferred to Kozhikkode, Kerala which is stated to be dismissed on account of pendency of petition under Section 9 of Hindu Marriage Act.

3. The respondent herein, who is the brother of the petitioner's husband Krishnan Venkiteswaran, has filed a Complaint Case No. 1149 of 2009 for the offence under Section 500 of Indian Penal Code against the petitioner-wife on the ground that in the petition filed under the Hindu Marriage Act, some defamatory allegations have been made by petitioner against the respondent.

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4. Notice was sent to the respondent Mani @ Santhosh who is present in the court today. He submits that it will be extremely difficult for him to pursue his complaint at Kozhikkode because his witnesses would not be able to travel up to Kozhikkode.

5. We have considered all the circumstances. Considering the allegations made in the complaint filed by the respondent, the witnesses of the respondent could be none else but the members of his family.

6. Considering the overall situation, we deem it appropriate to transfer C.C. No. 1149 of 2009, titled Mani @ Santhosh Vs. Smitha, pending before the court of learned Judicial Magistrate, First Class, Vashi, C.B.D., Maharashtra to the court of learned District Judge, Kozhikkode, Kerala who may hear the case himself or assign the same for disposal to the court of competent jurisdiction. Ordered accordingly.

7. The Transfer Petition stands disposed of accordingly.

.....J.
(V.S.SIRPURKAR)

.....J.
(Dr.MUKUNDAKAM SHARMA)

New Delhi,
January 18, 2010.