

IN THE SUPREME COURT OF INDIA

CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1075 OF 2008

Smt. Leena Mallick ...Petitioner

Vs.

Sambit Mallick ...Respondent

WITH

TRANSFER PETITION (CRIMINAL) NO. 445 OF 2008

ORDER

These two Transfer Petitions, namely, Transfer Petition (Civil) No. 1075 of 2008 and Transfer Petition (Criminal) No.445 of 2008, have been filed by Leena Mallick,with her husband Sambit Mallick as the respondent in both the cases. After the respondent appeared in the proceedings pursuant to notice,an attempt was made to resolve the disputes which had arisen between the parties, having particular regard to the fact that they are the parents of a four-year old daughter, Akanksha.

Both the parties are qualified Chartered Accountants. While the petitioner is staying with the minor child in a rented accommodation
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at J-15, Ridgewood Estate, DLF Phase-4, Gurgaon, for which the rent is being paid by the respondent, the respondent is staying separately.

Pursuant to orders passed in proceedings under Section 125 Cr.P.C. in addition to the rents being paid by the respondent, the respondent is also paying a sum of Rs.25,000/- per month by way of maintenance for the petitioner and the minor child. There are various cases pending between the parties, both civil and criminal, and they are either before the Additional District & Sessions Judge, Gurgaon or

the Judicial Magistrate also in Gurgaon. In respect of the orders passed in two of the matters, revisional proceedings are pending before the Punjab and Haryana High Court at Chandigarh. It is with regard to the said two revisional applications that the two transfer petitions, which we are now considering, are before us.

Having failed in our attempt to bring about a reconciliation between the parties, we are left with no option but to consider the two transfer petitions on their merits. The grounds in both the petitions are the same. The main ground taken in both the petitions is that having to look after the minor child of about four years the petitioner will be unable to travel to Chandigarh to contest the revision petitions filed by the respondent. The petitioner has also mentioned the fact that she also does not have the means to engage a

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separate counsel in Chandigarh and to meet her expenses for travelling to Chandigarh and staying there for the purposes of the said two cases.

Having considered the submissions made on behalf of the respective parties, we are of the view that sufficient grounds have been made out to allow the transfer petitions filed by the petitioner. Both the transfer petitions are therefore allowed and are disposed of in terms of prayer (a) of both the petitions. The Civil Revision Petition No.2553 of 2008, pending in the High Court of Punjab and Haryana at Chandigarh and the Criminal Misc. Petition No.47474/M/2007 also pending in the Punjab and Haryana High Court at Chandigarh, shall stand transferred to the High Court of Delhi at New Delhi for disposal.

_____J.

(ALTAMAS KABIR)

_____J.

(CYRIAC JOSEPH)

New Delhi

Dated: 4.2.2009

ITEM NO.301

COURT NO.6

SECTION XVIA

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SUPREME COURT OF INDIA
RECORD OF PROCEEDINGS

TRANSFER PETITION (CIVIL.) NO(s). 1075 OF 2008(FOR PREL.
HEARING)

LEENA MALLICK

Petitioner(s)

VERSUS

SAMBIT MALLICK

Respondent(s)

(With appln(s) for stay and office report)
WITH T.P.(CRL) NO. 445 of 2008
(With appln(s) for stay and office report)

Date: 04/02/2009 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR(IN THE
CHAMBERS)

HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s) Mr. S.K. Dubey, Adv.
Mr. Nitin Kr. Sharma, Adv.
Mr. K.V. Mohan, Adv.

For Respondent(s)

Respondent in person.

UPON hearing counsel the Court made the following
ORDER

The transfer petitions are allowed and are
disposed of in terms of prayer(a) of both the
petitions in terms of the signed order.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Court Master

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[Signed order is placed on the file]