

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). 1063 OF 2009

BALWINDER KAUR

Petitioner(s)

VERSUS

BALWINDER SINGH

Respondent(s)

(With appln(s) for exemption from filing O.T.,stay,permission to file additional documents,PERMISSION TO FILE ADDITIONAL AFFIDAVIT and office report ))

Date: 13/09/2010 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR  
HON'BLE MR. JUSTICE A.K. PATNAIK

For Petitioner(s)

Mr. Vimal Chandra S. Dave,Adv.

For Respondent(s)

Ms. Neeha Gokhale,Adv.  
Mr. Jaiweer S.,Adv.  
Ms. Kamakshi S. Mehlwal,Adv.

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

The Transfer Petition is disposed of in terms of the signed order.

(Ganga Thakur)  
PS to Registrar

(Juginder Kaur)  
Court Master

Signed order is placed on the file.  
IN THE SUPREME COURT OF INDIA  
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (C) NO. 1063 OF 2009

BALWINDER KAUR

Petitioner(s)

VERSUS

BALWINDER SINGH

Respondent(s)

O R D E R

On 10th May, 2010, while referring the parties to

mediation, we had directed the respondent-husband to pay a sum of Rs. 25,000/- to the petitioner in addition to the sum of Rs.10,000/- towards expenses for travelling and stay in Delhi, in connection with the mediation proceedings.

It appears that a Bank Draft No. 051765 dated 31.5.10 for Rs.25,000/- was obtained by the respondent Balwinder Singh, in favour of Balwinder Kaur, the petitioner herein, from the State Bank of India, City Branch, Ambala City. It is further submitted on behalf of the respondent that the said Draft was thereafter sent to the petitioner and according to the petitioner

the same was deposited with her Bank in her account in the State Bank of India, Main Branch, Ahmedabad. The same was returned on the ground that the same was a xerox copy of the original.

-2-

A controversy has, therefore, been raised as to whether the original draft was at all sent or whether it was received and not submitted to the bank.

On behalf of the husband, certain letters issued by the State Bank of India, Ahmedabad City Branch, have been brought to our notice to indicate that the Bank Draft was in fact genuine and had been issued by the said Bank.

Be that as it may, in order to put an end to the controversy, we direct that the Bank Draft, referred to hereinbefore, be treated as cancelled by the State Bank of India, Ambala City Branch, and such cancellation be intimated to the State Bank of India, Main Branch, at Ahmedabad, so that the same, if presented in original, is not honoured by the said bank. The State Bank of India at Ambala City, shall accordingly recredit the account of the respondent with the amount of the Bank

Draft and instead of payment by Bank Draft, the respondent No.2 shall pay to the petitioner the said amount of Rs.25,000/- in cash within four weeks from date and obtain receipt for the same.

It may also be recorded that the very basis of the Transfer Petition is no longer available, as the second petition filed by the respondent under Section 9 of the Hindu Marriage Act, 1955, has since been withdrawn by the respondent by order dated 18th August, 2010. The Transfer Petition has, therefore, been rendered infructuous and is also disposed of. However,

-3-

liberty is given to the parties to mention the matter , if any further need arises.

Having regard to the order passed today, the proceedings initiated by the petitioner against the respondent, in relation to the Bank Draft in question, shall be treated as withdrawn.

.....J.  
( ALTAMAS KABIR )

.....j.  
( A.K. PATNAIK )

New Delhi,  
September 13, 2010.