

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

TRANSFER PETITION (CRL.) NO(s). 342 OF 2009

SARIKA SHAILENDRA PRATAP SINGH Petitioner(s)

VERSUS

SHAILENDRA PRATAP SINGH Respondent(s)

(With appln(s) for stay and office report )  
WITH CrI.MP No.7086 of 2011 in T.P.(CRL) NO. 209 of 2008  
(for recalling of the order dated 12.1.2009)

Date: 04/07/2011 This Petition was called on for hearing today.

CORAM :  
HON'BLE MR. JUSTICE MARKANDEY KATJU  
HON'BLE MRS. JUSTICE GYAN SUDHA MISRA

For Petitioner(s) Ms.V.S.Jagdale, Adv.for  
Mr. V.N. Raghupathy,Adv.

For Respondent(s) Mr. Avnish Singh Yadav, Adv.  
Mr. Ankur Yadav, Adv.for  
Mr. Yash Pal Dhingra,Adv.  
Mr. Abhishth Kumar, Adv.

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

The Transfer Petition (Crl.) No.342 of 2009 is  
dismissed. The order dated 12th January, 2009 is recalled  
and the transfer petition No.209 of 2008 is dismissed in  
terms of the signed order.

(Parveen Kr. Chawla)  
Court Master

(Indu Satija )  
Court Master

[signed order is placed on the file]  
IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETTIIN(CRL.) NO.342 OF 2009

Sarika Shailendra Pratap Singh ..Petitioner

versus

Shailendra Pratap Singh ..Respondent

WITH

CRIMINAL MISC. PETITION NO.7086 OF 2011  
IN

O R D E R

Brief history of the case is that husband had already moved to this Court by filing Transfer Petition (Criminal) No.209 of 2008 by which transfer of maintenance petition filed by the wife under Section 125 Cr.P.C. at Bandra, Mumbai was sought on the ground that she had already filed a maintenance petition at Allahabad and she did not mention that fact in the second maintenance petition filed before the Family Court at Bandra, Mumbai. This Court allowed the transfer petition on January 12, 2009 after hearing learned counsel for both sides.

Now the wife has filed a criminal miscellaneous petition No. 7086 of 2011 in Transfer Petition (Criminal) No.209 of 2008 for recalling the order of this Court dated January 12, 2009 as also Transfer petition(Criminal) No.342 of 2009 seeking transfer of maintenance petition filed by her at Allahabad to the Family Court at Bandra, Mumbai.

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Heard learned counsel for the parties.

On the facts of the case, we are of the opinion that wife can pursue only one maintenance petition and hence the transfer petition filed by the wife seeking transfer of maintenance petition from Allahabad to Bandra at Mumbai is dismissed.

Insofar as criminal miscellaneous petition No. 7086 of 2011 in Transfer Petition (Criminal) No.209 of 2008 is concerned, we recall the said order dated January 12, 2009 and dismiss the transfer petition filed by the husband seeking transfer of maintenance petition No.E448/2007 filed by the wife at Bandra Mumbai. The net result of this order will be that maintenance petition filed by the wife at Bandra (Mumbai) shall be restored to its original file and

if the record related to this case had already been transferred to Allahabad, the same shall forthwith be sent back to the concerned court at Bandra (Mumbai). The maintenance petition filed by the wife at Allahabad be treated dismissed as withdrawn.

.....J.  
[MARKANDEY KATJU]

NEW DELHI; .....J.  
JULY 04, 2011 [GYAN SUDHA MISRA]