

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO(S). 688-689 OF 2023

URMILA DEVIPetitioner(s)

VERSUS

SUNIL PRAJAPATIRespondent(s)

WITH

TRANSFER PETITION (CRL.) NO(S). 343-345 OF 2023

URMILA KUMARI @ URMILA DEVIPetitioner(s)

VERSUS

SUNIL PRAJAPATI & ETC.Respondent(s)

ORDER

The petitioner - wife has filed these transfer petitions seeking transfer of the following cases: -

- (a) Guardianship Case No. 4 of 2021 titled as “Smt. Urmila Kumari vs. Shri Sunil Prajapati” filed under Section 6 of the Hindu Minority and Guardians Act, 1956 r/w Section 26 of the Hindu Marriage Act, 1955, pending before Principal Judge, Family Courts, District Kaimur, Bhabua, Bihar.
- (b) Matrimonial Case No. 77 of 2022 titled as “Sunil

Prajapati vs. Urmila Devi” filed under Section 13 of the Hindu Marriage Act, 1955, pending before Principal Judge, Family Courts, Kaimur, Bhabua, Bihar.

- (c) Maintenance Petition No. 47/2020 titled as “Urmila Kumari @ Urmila Devi vs. Sunil Prajapati” filed under Section 125 of the CrP.C. pending before Principal Judge, Family Court, Bhabhua, Kaimur (Bihar).
- (d) Case No. 26/2020 titled as “Urmila Kumari @ Urmila Devi vs. Sunil Prajapati & Ors.” filed under Section 12 of D.V. Act pending before the Chief Judicial Magistrate, Bhabhua, Kaimur (Bihar).
- (e) CrI. Case No. 872/2022 arising out of FIR No. 62 of 2020 registered at P.S. Mahila Police Station, Kaimur, Bihar titled as “State of Bihar vs. Sunil Prajapati & Ors.” filed under Sections 341/323/498-A/34 of IPC pending before Sub-Divisional Judicial Magistrate, Kaimur (Bihar).

Vide order dated 19.07.2023 passed by this Court, the parties were referred for mediation before the Supreme Court

Mediation Centre to mediate the issues and for amicable settlement. As per the report dated 12.10.2023 received from the Supreme Court Mediation Centre, the mediation remained unsuccessful.

Heard learned counsel for the parties. From the averments made in the transfer petitions, it is clear that after filing the cases, the petitioner – wife has shifted to Delhi. From Delhi, it would be inconvenient to attend the proceedings which are pending at Kaimur, Bhabua, Bihar because the distance is about 950 kms. Simultaneously, in the proceedings initiated by the wife, the respondent and his family members are required to attend, therefore, to them also there would be some inconvenience. However, maintaining equity, in our view the cases as mentioned from (a) to (e) may be directed to be transferred to the Court of competent jurisdiction at Patiala House Courts, New Delhi subject to the respondent and his family members being permitted appearance by virtual platform, to record their evidence and to mark their presence.

In view of the foregoing, the transfer petitions filed by the wife are allowed. The cases aforementioned from (a) to (e) are

hereby transferred to the Patiala House Courts, New Delhi which shall be tried by the Court having competent jurisdiction to decide the same under the orders of the Principal District Judge of the said Courts. It is made clear here that the respondent – husband and his family members shall be permitted to appear by virtual platform without insisting on their presence until their presence is absolutely necessary.

Let the records of the case be transferred to the transferee Court without delay and an intimation be sent to both the Courts through e-mail for compliance.

The transfer petitions are, accordingly, allowed.

Pending application(s), if any, shall stand disposed of.

.....J.
[J.K. MAHESHWARI]

.....J.
[K.V. VISWANATHAN]

NEW DELHI;
NOVEMBER 24, 2023.

ITEM NO.1

COURT NO.11

SECTION XVI

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

Transfer Petition(s)(Civil) No(s). 688-689/2023

URMILA DEVI

Petitioner(s)

VERSUS

SUNIL PRAJAPATI

Respondent(s)

(MEDIATION REPORT IS RECEIVED
 IA No. 55939/2023 - EX-PARTE STAY)

WITH

T.P.(Crl.) No. 343-345/2023 (II-A)

IA No. 80276/2023 - EX-PARTE STAY

IA No. 80278/2023 - EXEMPTION FROM FILING O.T.)

Date : 24-11-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE J.K. MAHESHWARI
 HON'BLE MR. JUSTICE K.V. VISWANATHAN

For Petitioner(s) Mr. Ankur Bansal, AOR
 Mr. Siddhartha Jain, Adv.
 Mr. Sadre Alam, Adv.

For Respondent(s) Mr. Upendra Mishra, Adv.
 Mr. Ashish Ranjan, Adv.
 Mr. Sanjay Kumar Pandey, Adv.
 Mr. Vinay Garg, AOR

Mr. Devashish Bharuka, AOR
 Ms. Sarvshree, Adv.
 Ms. Swati Mishra, Adv.

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

The Transfer Petitions are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)
 COURT MASTER (SH)

(VIRENDER SINGH)
 BRANCH OFFICER

(Signed order is placed on the file)