

IN THE SUPREME COURT OF INDIA

CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 1421 OF 2012

PRATIMA DEVI

PETITIONER(s)

VERSUS

ANAND PRAKASH

RESPONDENT(s)

WITH

TRANSFER PETITION (CIVIL) NO. 1432 OF 2012

PRATIMA DEVI

PETITIONER(s)

VERSUS

ANAND PRAKASH & ANOTHER

RESPONDENT(s)

WITH

TRANSFER PETITION (CRL.) NO. 473 OF 2012

PRATIMA DEVI & ANOTHER

PETITIONER(s)

VERSUS

STATE OF U.P. & OTHERS

RESPONDENT(s)

O R D E R

T.P. (C) Nos. 1421 of 2012 and 1432 of 2012:

These are wife's petitions for transfer of matrimonial case being Marriage Petition No. 120 of 2006, titled as "Anand Prakash vs. Pratima Devi", from the court of Additional District Judge-I, Fatehpur, Uttar Pradesh and case under Guardian & Wards Act, 1890 being Case No. 04/70 of 2012, titled as "Anand Prakash vs. Pratima Devi and another" from the court of Additional District Judge-2,

Fatehpur, Uttar Pradesh to the court of District Judge, Karkardooma Courts, Delhi.

2. We have heard learned counsel for the parties and perused the averments made in the Transfer Petitions and so also counter-affidavit and rejoinder-affidavit.

3. Having regard to the fact that the petitioner-wife is presently residing in New Delhi, we are satisfied that greater hardship shall be caused to her in case the proceedings in the above two cases are allowed to be continued at Fatehpur (Uttar Pradesh).

5. We, accordingly, allow the transfer petitions and transfer matrimonial case being Marriage Petition No. 120 of 2006, titled as "Anand Prakash vs. Pratima Devi", from the court of Additional District Judge-I, Fatehpur, Uttar Pradesh and case under Guardian & Wards Act, 1890 being Case No. 04/70 of 2012, titled as "Anand Prakash vs. Pratima Devi and another" from the court of Additional District Judge-2, Fatehpur, Uttar Pradesh to the court of Principal District Judge, Karkardooma Courts, Delhi. It will be open to the Principal District Judge, Karkardooma Courts, Delhi to transfer the above cases for disposal to the competent courts under his jurisdiction. The transferrer courts shall transmit the record and proceedings of the transferred cases to the transferee court without any delay.

6. The transferee court is requested to hear and decide the transferred cases as expeditiously as may be possible. The parties are directed to co-operate with the transferee court in expeditious disposal of the case.

7. No costs.

T.P. (Crl. No. 473 of 2012:

Although there may be some inconvenience to the petitioner-wife but since it is a criminal case, we are satisfied that transfer of Case No. 20 of 2006 arising out of F.I.R. No. 252 of 2005, P.S. Bindki, District Fatehpur, Uttar Pradesh from the court of Chief Judicial Magistrate, Fatehpur, Uttar Pradesh to the Court of District & Sessions Judge, Karkardooma Courts, Delhi may create complications and inconvenience to the accused.

Transfer Petition is, accordingly, dismissed.

.....J.
(R.M. LODHA)

NEW DELHI;
FEBRUARY 10, 2014.

.....J.
(SHIVA KIRTI SINGH)

ITEM NO.51

COURT NO.2

SECTION XVIA

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). 1421 OF 2012

PRATIMA DEVI

Petitioner(s)

VERSUS

ANAND PRAKASH

Respondent(s)

(With appln(s) for stay and office report)

WITH T.P.(C) NO. 1432 of 2012
(With appln(s) for stay and office report)
T.P.(CRL) NO. 473 of 2012
(With appln(s) for stay and office report)

Date: 10/02/2014 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE R.M. LODHA
HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

For Petitioner(s) Mr. Rajni Kant Avasthi, Adv. for
Mr. Harinder Mohan Singh, Adv.

For Respondent(s) Mr. Ramesh Chandra Mishra, Adv.
Dr. Meera Agarwal, Adv.

Mr. Ratnakar Dash, Sr. Adv.
Mr. Ardhendumauli Kumar Prasad, Adv.
Mr. Kunal Verma, Adv.

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

T.P. (C) Nos. 1421 of 2012 and 1432 of 2012:
Transfer Petitions are allowed in terms of signed order.

: 2 :

T.P. (Crl.) No. 473 of 2012:
Transfer Petition is dismissed in terms of signed order.

(Pardeep Kumar)	(Renu Diwan)	
AR-cum-PS	Court Master	

[SIGNED ORDER IS PLACED ON THE FILE]