

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NO. 720 OF 2020

TANU GUPTA Petitioner(s)

VERSUS

ACHIN GUPTA Respondent(s)

W I T H

TRANSFER PETITION (CRIMINAL) NO. 326 OF 2021

A N D

TRANSFER PETITION (CRIMINAL) NO. 3 OF 2022

O R D E R

TRANSFER PETITION (CIVIL) NO. 720 OF 2020

Heard Mr. Parveen Kumar Aggarwal, learned counsel appearing for the petitioner (wife). Also heard Mr. Yusuf, learned counsel appearing for the respondent (husband).

We have considered the submissions made by the learned counsel for the parties. The petitioner has recently got a job in Delhi but her parental home is in Hisar. On every occasion, during the Mediation process and the Court proceedings, the petitioner needed the support of her aged parents who accompanied her for all the proceedings in Mediation and also in Court as and when needed.

Considering the circumstances in this case, we allow the transfer petition. The HMA No. 2122 of 2019 titled "*Achin Gupta v. Smt. Tanu Gupta*", pending before the Ld. Principal Judge, Family Court, South West Dwarka, New Delhi is directed to be transferred to the Family Court, Hisar, Haryana.

Records of the case would be immediately transferred to the transferee court.

The parties are directed to appear, either in person or through an authorized representative or through video-conferencing if the said facility is available, before the transferee court. However, in case there is non-appearance, court notice would be issued to the defaulting party.

The transferee court would decide the matter expeditiously.

Pending application(s), if any, shall stand closed.

TRANSFER PETITION (CRIMINAL) NO. 326 OF 2021

Heard Ms. Farhat Jahan Rehmani, learned counsel appearing for the petitioner (in-laws). Also heard Mr. Parveen Kumar Aggarwal, learned counsel appearing for respondent No. 1 (wife).

This matter is filed by the in-laws of the respondent No. 1 for transfer of the proceedings under the Domestic Violence Act from the Court at Hisar to the Court at Delhi. However, it is submitted on behalf of the respondent No. 1 that she too has filed a case under the Domestic Violence Act against the husband and the in-laws and the said proceedings are pending in the Family Court, Hisar.

Considering the circumstances here, we decline the petitioners prayer for transfer. Accordingly, the Transfer Petition is dismissed. However, it is made clear that if the first petitioner has any medical or old age issue, as far as practicable, her physical presence be dispensed with on regular dates when she can be permitted to be represented by her counsel and appear through

video-conferencing. But this is subject to her appearance on mandatory dates, as may be ordered by the Court.

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

TRANSFER PETITION (CRIMINAL) NO. 3 OF 2022

Heard Mr. Yusuf, learned counsel appearing for the petitioner (husband). Also heard Mr. Parveen Kumar Aggarwal, learned counsel appearing for the respondent (wife).

Mr. Parveen Kumar Aggarwal, learned counsel submits that the respondent has withdrawn the maintenance application and therefore this Transfer Petition has become infructuous.

In view of such submission made by the respondent's counsel, the case is dismissed as infructuous.

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

.....J.
(HRISHIKESH ROY)

.....J.
(SANJAY KAROL)

NEW DELHI;
AUGUST 31, 2023.

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGSTransfer Petition(s)(Civil) No(s). 720/2020

TANU GUPTA

Petitioner(s)

VERSUS

ACHIN GUPTA

Respondent(s)

(MEDIATION REPORT HAS BEEN RECEIED.

IA No. 89162/2021 - APPLICATION FOR PERMISSION

IA No. 44806/2022 - APPLICATION FOR PERMISSION

IA No. 46430/2022 - CLARIFICATION/DIRECTION

IA No. 120830/2020 - EARLY HEARING APPLICATION

IA No. 61172/2020 - EX-PARTE STAY

IA No. 89164/2021 - EXEMPTION FROM FILING O.T.

IA No. 34585/2021 - EXEMPTION FROM FILING O.T.

IA No. 44636/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/
ANNEXURES

IA No. 46508/2022 - VACATING STAY)

WITH

T.P.(CrI.) No. 326/2021 (II-B)

(FOR EX-PARTE STAY ON IA 101198/2021

FOR EXEMPTION FROM FILING O.T. ON IA 101199/2021

IA No. 101198/2021 - EX-PARTE STAY

IA No. 101199/2021 - EXEMPTION FROM FILING O.T.)

T.P.(CrI.) No. 3/2022 (II-B)

(IA FOR EX-PARTE STAY ON IA 165018/2021

IA No. 165018/2021 - EX-PARTE STAY)

T.P.(CrI.) No. 356/2022 (II-B)

(FOR EX-PARTE STAY ON IA 73448/2022

IA No. 73448/2022 - EX-PARTE STAY)

Date : 31-08-2023 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

HON'BLE MR. JUSTICE SANJAY KAROL

For Parties

Dr. Ram Sankar, Adv.

Mr. G Anandan, Adv.

Mr. B Sasi Kumar, Adv.

Mr. T S Nanda Kumar, Adv.

Mr. Anand Kumar V, Adv.

Mr. Aditya Kishore Tyagi, Adv.

Mr. G Jai Singh, Adv.

Ms. R V Shaarumathi, Adv.
M/S. Ram Sankar & Co, AOR

Mr. Sanjay Jain, AOR
Mr. Parveen Kumar Aggarwal, Adv.

Mr. Yusuf, AOR
Mr. Amit Arora, Adv.
Mr. Amarjeet Singh Girsra, Adv.
Ms. Richa Pandey, Adv.

Mr. Akshay Amritanshu, Adv.
Dr. Monika Gusain, AOR
Mr. Ashutosh Jain, Adv.
Mr. Samyak Jain, Adv.

Ms. Farhat Jahan Rehmani, Adv.

Mr. H. Chandra Sekhar, Adv.

UPON hearing the counsel the Court made the following

O R D E R

TRANSFER PETITION (CIVIL) NO. 720 OF 2020

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

Pending application(s), if any, shall stand closed.

TRANSFER PETITION (CRIMINAL) NO. 326 OF 2021

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

Pending application(s), if any, shall stand closed.

TRANSFER PETITION (CRIMINAL) NO. 3 OF 2022

The Transfer Petition is dismissed as infructuous in terms of the signed order.

Pending application(s), if any, shall stand closed.

TRANSFER PETITION (CRIMINAL) No. 356 OF 2022

Heard Mr. Yusuf, learned counsel appearing for the petitioner (husband). Also heard Mr. Parveen Kumar Aggarwal, learned counsel

appearing for the respondent (wife).

It is pointed out that limited notice on the possibility of settlement of a matrimonial dispute was issued on 20.05.2022 in SLP (Criminal) No. 4912 of 2022. Accordingly, we are of the view that no order need be passed at this stage. The case is adjourned accordingly.

(NITIN TALREJA)
COURT MASTER (SH)

(KAMLESH RAWAT)
ASSISTANT REGISTRAR

(Common signed order as above is placed on the file)