

ITEM NO.7 Court 7 (Video Conferencing) SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Transfer Petition(s)(Criminal) No(s). 220/2020

ASHA KAPOOR & ORS. Petitioner(s)

VERSUS

M/S MAK PHARMACEUTICAL Respondent(s)

(FOR ADMISSION and IA No.67858/2020-EX-PARTE STAY and IA
No.67860/2020-EXEMPTION FROM FILING O.T.)

Date : 05-08-2020 This petition was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Pallavi Pratap, AOR

For Respondent(s)

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

Heard Ms. Pallavi Pratap, learned counsel appearing for the
petitioner.

In support of the transfer petition, the learned counsel
submits that M/s. A.S. Pharma (petitioner No.4) is a Partnership
Firm with the first three petitioners as Partners and all are
facing proceedings under the Negotiable Instruments Act, at the
instance of the respondent M/s. MAK Pharmaceutical (complainant).
The Firm receives supply of medicines from the respondent and the
proceedings arose out of the three cheques issued by the petitioner
Firm to the respondent, which were dishonoured by the concerned
bank. The learned counsel submits that the first petitioner *Asha
Kapoor* is a 76 year old lady and primarily on this ground, she

prays for transfer of the proceedings from the Court at Yamuna Nagar, Haryana to a competent court at Lucknow. In order to show that the complainant will not be prejudiced, Ms. Pratap submits that the respondent is a big manufacturing company with branches in Lucknow and, therefore, they will not have much difficulty if their case is transferred from Haryana to Uttar Pradesh.

Having considered the circumstances of this case and the nature of the litigation, I feel that the Transfer Petition should not be allowed as the petitioners can certainly contest the proceedings under the Negotiable Instruments Act, in the Yamuna Nagar court at Haryana. However, considering the advancing age and other health related issues of the first petitioner, *Asha Kapoor*, and since the business of the firm is being looked after by the other two partners, I deem it appropriate to direct the Judicial Magistrate, 1st Class, Yamuna Nagar at Jagadhri to consider exemption of the first petitioner, *Asha Kapoor* from personal appearance. Ordered accordingly.

The Transfer Petition is, accordingly, dismissed.

(GULSHAN KUMAR ARORA)
AR-CUM-PS)

(R.S. NARAYANAN)
COURT MASTER