

ITEM NO.4

Court 11 (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)(Civil) No. 1154/2020

ROHINI SINGH MAHENDRA SINGH

Petitioner(s)

VERSUS

NIPURNIKA DALPAT SINGH BALECHA

Respondent(s)

(FOR ADMISSION and IA No.106119/2020-EX-PARTE STAY and IA No.106122/2020-EXEMPTION FROM FILING O.T.)

Date : 08-01-2021 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s)

Ms. Mridula Ray Bharadwaj, AOR

For Respondent(s)

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

What is sought by the petitioner is the transfer of a civil suit filed by the respondent on the file of the 2nd Additional Civil Judge and ACJM, Banaskantha, Palanpur, Gujarat to a Court of competent jurisdiction in Delhi.

According to the petitioner, the respondent is the niece of the petitioner.

The reliefs sought in the suit read as follows:

- "1. To grant permanent injunction to restrain the defendant from directly or indirectly transferring or causing to be transferred the properties mentioned in para 3 and 4 of the present suit petition and other movable and immovable properties that are in the name of our parents to somebody else, and to restrain

her from making personal use of the said properties.

2. To issue an order directing the defendant to return all the movable properties mentioned in para 3 and 4 of the present suit petition to us the plaintiff.
3. To reimburse the cost of the present petition from the defendant.
4. To grant any other relief that Hon'ble Court may deem fit and proper."

Since what is pending in Gujarat is only a civil suit for recovery of certain movable properties, there should be no difficulty for the petitioner in contesting the case from wherever she is.

Prima facie, I do not find any justification for transferring.

However, in view of certain allegations made by the petitioner, into the genuineness of which, I do not wish to go, the trial Court at Gujarat may, to the extent possible, allow the parties to participate through video conferencing, till an appropriate stage reaches.

With the above observations, the transfer petition is dismissed.

(NIDHI AHUJA)
AR-cum-PS

(POONAM VAID)
COURT MASTER (NSH)