

IN THE SUPREME COURT OF INDIA
CRIMINAL ORIGINAL JURISDICTION

TRANSFER PETITION(S)(CRIMINAL) NO.429 OF 2017

VINESH CHAUDHARY

PETITIONER(S)

VERSUS

RUDRA CHAUDHARY

RESPONDENT(S)

O R D E R

The husband has come up with the above petition seeking transfer of a petition for maintenance filed under Section 125 of the Code of Criminal Procedure, 1973 (for short, 'Cr.P.C.') by the wife on behalf of respondent-child, now pending on the file of Judge, Family Court No.2, Jaipur District, Jaipur to the Court of Principal Judge, Family Court, Karkardooma Courts, Delhi.

Heard learned counsel on both sides.

On 14.05.2020, when the matter came up, this Court passed an order which reads as follows:

"The Court is convened through video conferencing.

Heard Mr. Sudhir Nagar learned counsel appearing for the petitioner. Also heard Dr. Surender Singh Hooda, learned counsel appearing for the Respondent (wife).

This petition is filed for transfer of the maintenance proceedings filed on behalf of the minor (Rudra Chaudhary) by his mother Sunita Rathi. That case is filed in Jaipur Court but the

petitioner seeks transfer of the proceedings to a court in Delhi with the contention that the petitioner as well as the respondent are both serving at Delhi and there is no justification to force the petitioner to go to Jaipur in order to participate in the maintenance proceedings for the minor (Rudra Chaudhary).

It appears that Rs.20,000/- per month is claimed on behalf of the minor and at this moment, Rs.10,000/- per month is being paid by the father for the upkeep of his minor son.

Having considered the above circumstances, learned counsel for the petitioner was requested to obtain instructions as to whether the father is willing to pay Rs.15,000/- per month towards the maintenance of his son who is currently studying in a school at Jaipur. To receive necessary instructions in this regard, the petitioner's counsel prays for time.

Let the matter be accordingly listed after three weeks."

Today, the learned counsel for the petitioner states that his client is willing to pay a sum of Rs.13,500/- per month towards the maintenance of the respondent/son who is currently studying in a school at Jaipur. The learned counsel for the respondent, represented by the mother, states that the respondent is agreeable to receive the said amount.

In view of the above, the maintenance case bearing Case No.489/2017 filed by the respondent represented by the mother and guardian under Section 125 Cr.P.C. shall stand disposed of with a

direction that the petitioner/father shall pay a sum of Rs.13,500/- per month as maintenance to the respondent/son from the date of the order till the date the respondent (minor) attains majority.

The fact that the petitioner has been paying a sum of Rs. 10,000/- till date is not disputed and is also recorded.

The transfer petition is disposed of and the original case i.e. Case No.489/2017 also stands disposed of with this order.

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

.....J.
[V. RAMASUBRAMANIAN]

NEW DELHI;
26TH OCTOBER, 2021

ITEM NO.22

COURT NO.11

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). 429/2017

VINESH CHAUDHARY

Petitioner(s)

VERSUS

RUDRA CHAUDHARY

Respondent(s)

(IA No. 114960/2017 - STAY APPLICATION)

Date : 26-10-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE V. RAMASUBRAMANIAN

For Petitioner(s) Mr. Sudhir Naagar, AOR

For Respondent(s) Dr. Surender Singh Hooda, AOR
Mr. Rahul Besoya, Adv.
Mr. Satish Solanki, Adv.
Ms. Shweta Sharma, Adv.

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

The transfer petition is disposed of in terms of the signed order.

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

(SWETA BALODI)
COURT MASTER (SH)(RENU BALA GAMBHIR)
COURT MASTER (NSH)

(Signed order is placed on the file)