

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION
TRANSFER PETITION (C) NOS. 2185-2186 OF 2017

VEDIKA

Petitioner(s)

VERSUS

CHIRAG MAHENDRA SHAH & ANR.

Respondent(s)

O R D E R

1) The Transfer Petitions have been filed by the petitioner with the following prayer:

“Transfer Civil Suit No. 1201 of 2014 entitled “Chirag Mahendra Shah vs. Vedika” pending before the Learned City Civil Judge at Ahmedabad, Gujarat to the Court of Learned Civil Judge at Nagpur, Maharashtra and also transfer Civil Suit No. 1598/2017 entitled “Darji Mohit Kumar Jayeshbhai vs. Shah Chiragbhai Mahendrabhai & Anr.” Pending before the Learned City Civil Judge at Ahmedabad, Gujarat to the Court of Learned Civil Judge at Nagpur, Maharashtra.”

2) Civil Suit No. 1201 of 2014 is filed by the first respondent against the petitioner seeking declaration and Civil Suit No. 1598 of 2017 is filed by the second respondent against the first respondent and the petitioner, which is a suit for injunction.

3) During the course of hearing, learned counsel for the plaintiff/petitioner in Civil Suit No. 1598/2017, on instruction, submits that he wants to withdraw the said suit.

In view of the submission made, Civil Suit No. 1598/2017 pending on the file of the City Civil Judge at Ahmedabad, Gujarat shall stand dismissed as withdrawn and the Transfer Petition No. 2186 of 2017 also stands dismissed.

Registry is directed to communicate this order to the City Civil Judge at Ahmedabad, Gujarat.

4) It appears that there was an attempt for settlement. According to the petitioner, there was no settlement. Be that as it may be, we do not propose to go into those aspects.

5) It is seen that the first respondent has paid an amount of Rs. 10,00,000/- to the petitioner, purportedly in pursuance to the settlement. Since the very settlement is in dispute, we make no observation as to the validity of the settlement. However, we make it clear that the amount of Rs.10,00,000/- paid by the first respondent to the petitioner can be retained by the petitioner and the same shall abide by further orders in the suit pending between the parties.

6) Having heard the learned counsel on both sides, we are of the view that it is only in the interest of justice that we direct transfer of Suit No. 1201 of 2014 titled "Chirag Mahendra Shah vs. Vedika" pending before the City Civil Judge at Ahmedabad to the Court of City Civil Judge at Nagpur, Maharashtra.

7) We make it clear that this Court has not otherwise made any observation with regard to the status of the first respondent and the petitioner since the same is subject-matter of litigation. Therefore, the observations made in the order dated 03.04.2018 that

the petitioner is the wife and first respondent is the husband are expunged.

8) The Transfer Petition No. 2185 of 2017 is allowed accordingly.

..... J.
(KURIAN JOSEPH)

..... J.
(MOHAN M. SHANTANAGODAR)

..... J.
(NAVIN SINHA)

New Delhi;
April, 25, 2018.

