

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION(CIVIL) NO.1216/2017

CHHAVI AGARWAL

Petitioner(s)

VERSUS

ANURAG GOEL

Respondent(s)

WITH

T.P.(CRL) Nos.509-510/2018 (XVI-A)

T.P.(CRL) No.389/2019 (XVI-A)

T.P.(CRL) No.500/2017 (XVI-A)

O R D E R

Having heard learned counsel for the parties the Court is of the opinion that these Transfer Petitions can be disposed of by a common order, by issuing certain directions to the concerned Courts.

The directions are as follows:

- 1) In Transfer Petition (Civil) No.1216/2017 : The Family Court (South East) Saket, New Delhi which is seized of the matter i.e. HMA NO.622/2017 (*Anurag Goel v. Chhavi Agarwal*) is directed to ensure that the dates, suitable and convenient to the petitioner i.e. Ms. Chhavi Agarwal, are given well in advance to enable her to attend as and when necessary;
- 2) In T.P.(CRL) No.389/2019 : The Court is of the opinion that the claim for transfer is, to some extent, justified. Accordingly, the criminal case arising from FIR No.0043/2019 (dated 08.02.2019) pending on the file of the Court of Judicial Magistrate, First Class, Faridabad, Haryana is hereby transferred to the Court of competent jurisdiction/Chief Metropolitan Magistrate at Saket Court Complex, New Delhi.

The transferor Court shall forthwith transmit the entire record relating to the aforesaid case to the transferee Court for deciding the case in accordance with law.

The concerned transferee Court shall ensure that the petitioner-Ms. Chhavi Agarwal (arrayed as an accused) is not made to appear on every date of hearing and rather than as and when her presence is necessary, specific dates, for her convenience may be fixed. In doing so, the concerned Court criminal Court shall also take into consideration the date or dates given in the other proceedings pending before the Saket District Court Complex i.e. filed by the husband claiming divorce etc.

3) T.P.(CRL) Nos.509-510/2018 : In these cases, the petitioner seeks transfer of two proceedings i.e. Criminal Complaint Case No.103/1/17 (New CC No.9605/2017) titled as *Anurag Goel v. State & Ors.* filed under Section 156(3), Cr.P.C. instituted before the Court of Chief Metropolitan Magistrate, District Court, Saket, New Delhi, and Criminal Revision Petition No.35/2018 titled as *Anurag Goel v. State & Ors.* pending before the Additional Sessions Judge, Saket Courts, New Delhi to the Court of competent jurisdiction at Mumbai. The Court is of the opinion that the claim sought is not made out. The concerned Court(s) at Saket, New Delhi shall ensure for the convenience of the petitioner-wife that same dates as in the case of other proceedings (the divorce proceedings instituted by the respondent-husband Mr. Anurag Goel and the proceedings transferred from Faridabad to Saket) are given in the present cases as well.

The Court is further of the opinion that both the Delhi and the Mumbai Courts, which are seized of the respective proceedings, should, as far as possible not to call the parties on every date of hearing but rather as and when their presence is necessary, specific dates should be given in advance for the convenience of their attendance, to avoid multiple travels.

4) T.P.(CRL) No.500/2017 : After hearing learned counsel for the parties, the Court is of the opinion that the case for transfer is not made out. However, the Court at Mumbai which is seized of the proceedings under Section 23 of the Protection of Women from Domestic Violence Act shall not insist on the appearance of the petitioner-Anurag Goel on every date of hearing but rather indicate the dates of appearance, if necessary, well in advance for his convenience of attendance.

All Courts including the Courts in the transferred cases shall endeavour to complete their proceedings as expeditiously as possible, preferably within a period of one year from today.

All the Transfer Petitions are accordingly disposed of in the above terms.

.....J.
[S. RAVINDRA BHAT]

NEW DELHI;
MAY 28, 2020.

ITEM NO.1

VIRTUAL COURT-8

SECTION XVI-A

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Transfer Petition(s)(Civil) No(s). 1216/2017

CHHAVI AGARWAL

Petitioner(s)

VERSUS

ANURAG GOEL

Respondent(s)

(FOR ADMISSION and MR.A.D.N.RAO, ADVOCATE HAS FILED VAKALATNAMA ON BEHALF OF DELHI HIGH COURT

IA No. 63604/2017 - EX-PARTE STAY

IA No. 66116/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 9372/2019 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 97771/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

IA No. 89147/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

T.P.(Cr1.) No. 509-510/2018 (XVI-A)

(FOR ADMISSION and IA No.147691/2018-EX-PARTE STAY)

T.P.(Cr1.) No. 389/2019 (XVI-A)

(FOR ADMISSION and I.R. and IA No.113065/2019-STAY APPLICATION and IA No.113066/2019-EXEMPTION FROM FILING O.T.)

T.P.(Cr1.) No. 500/2017 (XVI-A)

(FOR ADMISSION and IA No.142134/2017-EX-PARTE STAY)

Date : 28-05-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAVINDRA BHAT

For Petitioner(s) Mr. Nachiketa Joshi, AOR

Mr. Kush Chaturvedi, AOR

T.P. (Cr1.) No. 500 of 2017 Mr. Prashant Mendiratta, Adv.
Mr. Rohit Kumar Singh, AOR

For Respondent(s)

TP[C] 1216/17

Mr. Prashant Mendiratta, Adv.
Mr. Rohit Kumar Singh, AOR

R-2 IN TP[CRL.] 389/19 Mr. Prashant Mendiratta, Adv.
Mr. Rohit Kumar Singh, AOR

TP[CRL.] 509-510/18 Mr. Prashant Mendiratta, Adv.
Mr. Rohit Kumar Singh, AOR

Mr. Nachiketa Joshi, AOR

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

The Transfer Petitions are disposed of in the above terms of
the signed order.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(RAJINDER KAUR)
ASSISTANT REGISTRAR

[Signed order is placed on the file]