

IN THE SUPREME COURT OF INDIA
CIVIL/CRIMINAL ORIGINAL JURISDICTION
TRANSFER PETITION (C)No.2521 of 2019

NEHA NITINPAL PLAHA

PETITIONER

VERSUS

NITINPAL SINGH PLAHA

RESPONDENT

WITH

TRANSFER PETITION (CRL.)No.26 of 2020

O R D E R

TRANSFER PETITION (C)No.2521 of 2019

1. The petitioner - wife seeks transfer of M.J.A. Petition No.1360 of 2019, titled as "Nitinpal Singh Plaha vs. Neha Nitinpal Plaha", filed by the respondent - husband under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, which is pending before the Family Court at Bandra, Mumbai. The petitioner - wife seeks transfer thereof to the Family Court, City Civil Court, Hyderabad, Telangana.

2. Heard learned counsel for the parties and carefully perused the material placed on record.

3. In view of the fact that three cases between the parties are already pending at Hyderabad and it would be extremely difficult for the petitioner - wife to travel nearly 711 kms to defend herself in the Divorce Petition filed by the respondent -

husband, but without expressing any opinion on the merits of the case, we deem it appropriate to allow the instant Transfer Petition.

4. The Transfer Petition is, accordingly, allowed and M.J.A. Petition No.1360 of 2019, titled as "Nitinpal Singh Plaha vs. Neha Nitinpal Plaha", filed by the respondent - husband under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, which is pending before the Family Court at Bandra, Mumbai is ordered to be transferred to the Family Court, City Civil Court, Hyderabad, Telangana. The records be forwarded to the Transferee Court forthwith.

5. As a sequel thereto, pending interlocutory application also stands disposed of.

TRANSFER PETITION (CRL.)No.26 of 2020

1. The petitioner is daughter-in-law of respondent No.1 - complainant. Respondent Nos.2 and 3 are brother and mother of the petitioner, respectively. Respondent No.1 i.e. mother-in-law of the petitioner has filed CC No.253/DV/OF 2019, under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005, titled as "Kalbir Inderpalsingh Plaha vs. Neha Nitinpal Singh Plaha & Ors.", against the petitioner and respondent Nos.2 and 3, which is pending before the Court of Metropolitan Magistrate, 71st Court Bandra, Mumbai. The petitioner seeks transfer thereof to the Court of Metropolitan Magistrate, Nampally, Hyderabad, Telangana.

2. We have heard learned counsel for the parties and carefully perused the material placed on record.

3. The petitioner admittedly resides with her parents at Hyderabad. It is extremely difficult for her to defend herself in the above-mentioned complaint at a place which is nearly 711 kms away from the place of her residence.

4. Consequently, without expressing any opinion on the merits of the case, the Transfer Petition is allowed and CC No.253/DV/OF 2019, titled as "Kalbir Inderpalsingh Plaha vs. Neha Nitinpal Singh Plaha & Ors.", filed under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005, against the petitioner and respondent Nos.2 and 3, which is pending before the Court of Metropolitan Magistrate, 71st Court Bandra, Mumbai is ordered to be transferred to the Court of Metropolitan Magistrate, Nampally, Hyderabad, Telangana. The records be forwarded to the Transferee Court forthwith.

5. Since respondent No.1 - complainant is an aged woman, the Transferee Court is directed to permit her to appear through Video Conferencing except on such dates when her presence is mandatorily required.

6. As a sequel thereto, pending interlocutory application also stands disposed of.

.....J.
(SURYA KANT)

.....J.
(J.K. MAHESHWARI)

NEW DELHI;
FEBRUARY 01, 2023.

ITEM NO.1

COURT NO.9

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(s).2521/2019

NEHA NITINPAL PLAHA

Petitioner(s)

VERSUS

NITINPAL SINGH PLAHA

Respondent(s)

IA No.160282/2019 - EX-PARTE STAY
WITH
T.P.(Cr1.) No. 26/2020 (XVI-A)
(FOR EX-PARTE STAY ON IA 7787/2020
IA No. 7787/2020 - EX-PARTE STAY)

Date : 01-02-2023 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE J.K. MAHESHWARI

For Petitioner(s) Mr. Praveen Swarup, AOR

For Respondent(s) Mr. Rahul Joshi, AOR
Mr. Sachin Mittal, Adv.
Ms. Pulak Gupta, Adv.

Mr. Rama Kant Sharma, Adv.
Mr. Chand Qureshi, AOR

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

TRANSFER PETITION (C)No.2521 of 2019

The Transfer Petition is allowed in terms of the signed order. The records be forwarded to the Transferee Court forthwith.

As a sequel thereto, pending interlocutory application also stands disposed of.

TRANSFER PETITION (CRL.)No.26 of 2020

The Transfer Petition is allowed in terms of the signed order. The records be forwarded to the Transferee Court forthwith.

As a sequel thereto, pending interlocutory application also stands disposed of.

(SATISH KUMAR YADAV)
DEPUTY REGISTRAR

(PREETHI T.C.)
COURT MASTER (NSH)

(Signed order is placed on the file)