

IN THE SUPREME COURT OF INDIA
CIVIL ORIGINAL JURISDICTION

TRANSFER PETITION (CIVIL) NOS.161-162 OF 2020

DEBARATI BHUNIA CHAKRABORTY

PETITIONER(S)

VERSUS

SUMAN SANKAR BHUNIA

RESPONDENT(S)

WITH

TRANSFER PETITION (CRIMINAL) NOS.63-65 OF 2020

O R D E R

TRANSFER PETITION (CIVIL) NOS.161-162 OF 2020

The present are the transfer petitions filed under Section 25 of the Code of Civil Procedure for transfer of Case No.148/2019 and Case No.147/2019, filed by the respondent, pending before the District Judge at Barasat, District Siliguri West Bengal.

Initially the prayer of the petitioner was to transfer these cases to Family Court at Jodhpur, Rajasthan but subsequently, it has been pointed out that she has been appointed at Vishakhapatnam and that it will be convenient for both the parties to conduct the proceedings at Delhi.

Therefore, the Petitioner has now prayed that the proceedings of the above said cases under the Guardian and Wards Act be transferred to Family Court, Patiala House Court, New Delhi.

Mr. Shiv Shankar Banerjee, learned counsel for the respondent has opposed the request of transfer to Delhi on the ground that none of the parties have lived at Delhi or are staying at Delhi, therefore, petitions should not be transferred to Delhi.

Keeping in view the convenience of the parties and that Delhi would be easily accessible to both the parties, therefore, we transfer both the cases to learned Family Court at Patiala House Court, New Delhi. Parties to appear before the Family Court at Patiala House Court, New Delhi on 09.08.2021 for further proceedings in accordance with law.

The transfer petitions are allowed.

TRANSFER PETITION (CRIMINAL) NOS.63-65 OF 2020

The present petitions are for transfer of maintenance Case No.939/2019 filed under Section 125 of the Code of Criminal Procedure, 1973 as well as the Criminal Case No.10911/2019 and Criminal Case No.31/2019.

The civil cases between the parties have been transferred to Family Court at Patiala House Court, New Delhi today in T.P.(C) Nos.161-162/2020. Therefore, the maintenance Case No.939/2019 is ordered to be transferred to Family Court at Patiala House Court, New Delhi. The parties to appear before the Family Court at Patiala House Court, New Delhi on 9.8.2021. The presence and the

recording of evidence of the parents of the Husband, if any, be recorded through the medium of video conferencing. But, at the time of passing of final order, it shall be open to the Trial Court to seek personal presence of all the respondents.

In respect of other criminal cases, the trial may continue in Siliguri, West Bengal. However, the statement of the petitioner shall be recorded through the medium of video conferencing.

With the aforesaid liberty, the present transfer petitions are disposed of.

.....J.
(HEMANT GUPTA)

.....J.
(ANIRUDDHA BOSE)

New Delhi;
June 25, 2021

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).161-162/2020

DEBARATI BHUNIA CHAKRABORTY

Petitioner(s)

VERSUS

SUMAN SANKAR BHUNIA

Respondent(s)

(IA No.79710/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.15395/2020 - EX-PARTE STAY, IA No.54728/2021 - EXEMPTION FROM FILING O.T., IA No.79712/2020 - EXEMPTION FROM PAYING COURT FEE, IA No.70784/2021-PERMISSION TO AMEND THE PRAYER OF TRANSFER PETITION, IA No.70785/2021-EXEMPTION FROM FILING ORIGINAL AND NOTARIZED AFFIDAVIT)

WITH

T.P.(Cr1.) No.63-65/2020 (XVI-A)

(IA No.54502/2021 - APPROPRIATE ORDERS/DIRECTIONS, IA No.19133/2020 - APPROPRIATE ORDERS/DIRECTIONS, IA No.19132/2020 - EX-PARTE STAY, IA No.54500/2021 - EXEMPTION FROM FILING O.T., IA No.70250/2021-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES, IA No.70789/2021-PERMISSION TO AMEND THE PRAYER OF TRANSFER PETITION, IA No.70791/2021-EXEMPTION FROM FILING AFFIDAVIT)

Date : 25-06-2021 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Ms. Chitrangda Rastravara, Adv.
Mr. Manvendra Singh Rathore, Adv.
Mr. Dashrath Singh, Adv.
Ms. Manisha Chava, Adv.
Mr. Gp. Capt. Karan Singh Bhati, AOR

For Respondent(s) Mr. Shiv Shankar Banerjee, Adv.
Mr. Sadashiv, AOR
Ms. Madhurima Ghosh, Adv.

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

TRANSFER PETITION (CIVIL) NOS.161-162 OF 2020

The transfer petitions are allowed in terms of the signed

order.

Pending application(s), if any, stands disposed of.

TRANSFER PETITION (CRIMINAL) NOS.63-65 OF 2020

The transfer petitions are disposed of in terms of the signed order.

Pending application(s), if any, stands disposed of.

(ARJUN BISHT)
COURT MASTER (SH)

(R.S. NARAYANAN)
COURT MASTER (NSH)

(signed order is placed on the file)