

SUPREME COURT OF INDIA

Varsha Kochhar

Vs.

Biku Sarmah

Transfer Petition (Crl.) No. 241 of 2004

(S.B. Sinha and Dr. Mukundakam Sharma JJ.)

12.01.2009

ORDER

1. Despite service of notice, nobody appears for the respondents.
2. Keeping in view the facts and circumstances of this case, we allow this transfer petition, directing that CR 18 OF 2004, titled as Biku Sarma vs. Varsha Kochhar, pending before the Court of S.D.J.M., Margherita, Assam State, be transferred to the Court of competent jurisdiction at Mumbai.
3. Let the records of the case be transferred to the Chief Metropolitan Magistrate, Mumbai, who may try the case himself or may assign the same to a Court of competent jurisdiction.
4. The transferee Court shall issue notice to both the parties after fixing a date of hearing.
5. However, as the respondents hail from State of Assam, we request the transferee Court to fix a specific date of hearing so that the respondents may remain present on that date with their witnesses.
6. It is made clear that on the date so fixed by the transferee Court, when the respondents are present along with their witnesses, the petitioner shall not take any adjournment.
7. The transfer petition is allowed accordingly.