

**SUPREME COURT OF INDIA**

Harish Kumar Bhatia

Vs.

Family Credit Limited

14.01.2012

(H.L.Dutta and Chandramauli Kr. Prasad, JJ.)

**O R D E R**

**H.L. Dattu, J.**

1. This Transfer Petition is filed under Section 406 of the Criminal Procedure Code for transfer of Case No.C/63915/09 under Section 138 of the Negotiable Instruments Act,1881 titled Family Credit Limited Vs. Harish Kumar Bhatia, pending in the Court No.5, MM, Kolkata to the Court of Chief Judicial Magistrate, Civil Courts, Agra, U.P. Heard the learned counsel for the parties. The petitioner had voluntarily undertaken to pay a sum of Rs.28,000/- in full and final settlement between the parties vide order dated 18.03.2011 of this Court. For that purpose, this Court had granted six months' time to the petitioner to make the payment. It was also clarified in our order that

"if the sum of Rs.28,000/- is not paid, the Transfer Petition will be deemed to be dismissed."

Today, learned counsel for the petitioner submits that she had not received any instructions from the petitioner regarding the payment. We do not intend to adjourn the matter any further. It is made clear that if, for any reason, the petitioner fails to pay a sum of Rs.28,000/-, which was undertaken by him, to the respondent within four weeks from today, the Transfer Petition will automatically be deemed to be dismissed without further reference to the Court.