

Court No. - 69

Case :- TRANSFER APPLICATION (CIVIL) No. - 465 of 2023

Applicant :- Smt. Benazir Ansari

Opposite Party :- Mohammad Asif Azhar

Counsel for Applicant :- Anjali Singh, Mushir Khan

Hon'ble Samit Gopal, J.

1. List revised.

2. Heard Ms. Anjali Singh, learned counsel for the applicant, Sri Sanjay Kumar Singh, learned counsel for the State and perused the records.

3. The present Transfer Application has been filed by the applicant Smt. Benazir Ansari with the following prayer:-

"It is, therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to allow the present transfer application graciously and transfer the entire proceedings of Case No.873 of 2022 (Mohd. Asif Vs. Benazir Ansari) under Para 281 of Mohammad Law and Order 31-A, Rules 1 C.P.C. pending in the court of Principal Judge, Family Court, Ballia.

It is further prayed that this Hon'ble Court may graciously be pleased to stay the further proceedings of Case No.873 of 2022 (Mohd. Asif Vs. Benazir Ansari) under Para 281 of Mohammad Law and Order 31-A, Rules 1 C.P.C. pending in the court of Principal Judge, Family Court, Ballia during the pendency of present Criminal Misc. Transfer Application in this Hon'ble Court and/or to pass such other and further suitable order or direction as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case"

4. Learned counsel for the applicant submits that there has been a settlement between the parties before the Mediation and Conciliation Centre of this Court and a settlement agreement dated 30.9.2023 has been entered into between them, as such the present transfer application be dismissed as withdrawn.

5. The prayer is allowed.

6. The present Transfer Application is **dismissed as withdrawn.**

7. Interim order, if any, stands vacated.

8. Learned counsel for the applicant submits that talaknama in original was prepared in two sets. One of the sets is with the opposite party whereas the other set is in the file which is with the settlement agreement of the Mediation and Conciliation Centre of this Court and referred to in para 7(a) and the same be ordered to be returned back to the applicant for records.

9. This Court has perused the settlement agreement and the original talaknama dated 4.8.2023. Perusal of the same and specifically note to it shows that only two copies of the same were prepared. In view of the same, the office to handover the original talaknama to the applicant on proper identification of his identity as per rules within a period of 45 days.

(Samit Gopal, J.)

Order Date :- 26.10.2023
Gaurav Kuls/E-Court