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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(C.) 101/2016**

ANITA BARREJA

..... Petitioner

Through: Ms.Archana, Advocate.

versus

JAGDISH LAL BARREJA

..... Respondent

Through: Mr.Sunny Arora & Mr.S.K.Garg,
Advocates.

CORAM:

HON'BLE MS. JUSTICE PRATIBHA RANI

ORDER

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11.05.2017

CM No.41641/16

1. Exemption allowed, subject to all just exceptions.
2. The application is disposed of.

TR.P.(C.) 101/2016

1. The petitioner is seeking transfer of petition bearing No.145/2016/1735 pending in the Court of Smt.Meenu Arora, Sh.Vivek Aggarwal, Additional District (Magistrate) North West, Maintenance Tribunal for Maintenance and Welfare of Senior Citizen Govt. of NCT of Delhi Kajhawala Courts, Delhi to some other District.
2. Perusal of the record shows that the transfer petition has been filed in September, 2016 whereas the order of the Tribunal placed on record is dated 16th February, 2016 in the case No.123 titled as *Sh.Jagdish Lal Barreja v. Smt.Anita*.

3. In the aforesaid case the respondent was directed to maintain peace at the house and not to disturb the applicant who is her father-in-law. The SHO concerned was directed to ensure security of the senior citizen.

4. Vide order dated 5th October, 2016, petition No.145/ADM/NW/Tribunal/2016/1912 has been disposed of.

5. The transfer petition has become infructuous as the case No.145/ADM/NW/Tribunal/2016/1912 titled as *Sh.Jagdish Lal Barreja vs. Smt.Anita Barreja* stands disposed of on 5th October, 2016.

6. The petition is dismissed as infructuous.

CM No.41640/2016 (under Section 340 Cr.P.C.)

1. This application has been filed on behalf of the petitioner under Section 340 Cr.PC for initiating the proceedings against the respondent's advocate Sh.Sunny Arora for making submissions before this Court on 22nd September, 2016, to the following effect:

“Learned counsel appearing for the respondent submits that there is no apprehension of eviction order being passed as the Tribunal i.e. Maintenance Tribunal for Welfare of Parents and Senior Citizen only deals with the issues regarding maintenance of peace and harmony. He submits that the apprehension of the petitioner of being evicted on an order of the said Forum is misconceived and has no basis.”

2. In the application it is claimed that the submissions made on 22nd September, 2016 were totally misconceived and were found to be false, fabricated and intentionally given because on 8th October, 2016 a communication was received whereby petitioner was directed to vacate the first floor of property bearing No.H.No.C-2/27, Ashok Vihar, Phase-II, Delhi-110052 within fifteen days of the issuance of the order dated 5th October, 2016, passed by maintenance tribunal.

3. The submissions made by the learned counsel for the petitioner on 22nd September, 2016 preceded the date of passing the order on 5th October, 2016. Learned counsel for the petitioner while making the submissions before this Court has committed no perjury. The filing of application under Section 340 Cr.P.C. in transfer petition in itself is an abuse of the process of law.

4. The application is dismissed.

CM No.33460/2016 (stay)

Dismissed as infructuous.

PRATIBHA RANI, J.

MAY 11, 2017

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