**TRANSFER PETITION**

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Transfer of Petition refers to transferring the case from one city to another or from one state to another. When the case has to be transferred within the state then the Transfer Petition is filed before the High Court. If the case has to be transferred from one state to another then the Transfer Petition should be filed before the Supreme Court as in such case Supreme Court has the power to transfer the case from one state to another.

**PROVISION OF TRANSFER OF PETITION UNDER CPC**

In Civil matters Transfer petition in Supreme Court is entertained Under Section 25 of the Code of Civil Procedure the Hon’ble Supreme Court has the power to transfer any case, appeal of other proceedings from High Court or other civil court in one State to another state. Power to transfer the case from one state to another may be exercised by the Supreme Court if the court is satisfied that an order under this section is expedient for the ends of justice so require.

**PROVISION OF TRANSFER OF PETITION UNDER CrPC.**

In criminal cases under section 406 of Code of Criminal Procedure gives the power to Supreme Court to transfer cases and appeals, it may direct that any particular case or appeal be transferred from one High Court to another High Court or from a Criminal Court subordinate to one High Court to another Criminal Court equal or superior jurisdiction subordinate to another High Court. Under section 406 Supreme Court may act under this section only on the application of Attorney-General of India or of a party interested, and every such application shall be made by motion, which shall, except when the applicant is the Attorney-General of India or the Advocate-General of the State.

Under Section 407 gives the power of High Court to transfer cases and appeals. An order under this section  is required by any provision of this Code, or will tend to the general convenience of the parties or witnesses, or is expedient for the ends of justice.

Section 408 of CrPC gives the power of Session Judge to transfer cases and appeals, whenever it is made to appear to a Session Judge that an order is expedient for the ends of justice, he may order that any particular case be transferred from one Criminal Court to another Criminal Court in his session division.

**JUDGEMENTS ON TRANSFER OF PETITION**

Jaishree Banerjee (Smt) vs Abhirup Banerjee on 6 January, 1997

In the above mentioned case The petitioner seeks transfer of that case from Delhi to a court of competent jurisdiction at Varanasi where the petitioner is staying with a child of the marriage, aged about two and a half years on various grounds detailed in the petition. That the child of the marriage is with the petitioner and cannot be left at Varanasi if the petitioner has to travel to attend to the matrimonial case, is not in dispute. Hence on the same ground the transfer petition was allowed by the Supreme Court

M/S Indian Charge Chrome Ltd. & Anr vs Union Of India & Ors on 11 December, 2006

In the above mentioned matter the proposal of the State Government to grant a lease to OMC was also challenged by I.C.C.L. before the Orissa High Court in Writ Petition 2005 and that is sought to be got transferred to this Court by way of Transfer Petition. Similarly, M/s Ferro Alloys Corporation Limited also challenged the recommendation of the State Government for grant of lease to OMC by filing Writ Petition in the High Court of Orissa and the same is sought to be got transferred by the way of Transfer Petition (Civil) No. Nava Bharat, in its turn, challenged the proposal to grant a lease to the OMC, in Writ Petition (Civil) in the High Court of Orissa and the same is sought to be got transferred by way of Transfer Petition

Gayatri Mohapatra v. Ashit Kumar Panda (2003)11SCC73 In the above mentioned case Supreme Court having found that the wife being a Director in a Company run by her mother traveled from place to place and could not be permitted to state that she was incapable of travel as a ground to seek transfer of the husband’s case but Supreme Court accepted the husband’s offer to bear the expenses for the travel, boarding and lodging of the wife and dismissed her transfer petition on the ground that she had no source of income to travel.

# Transfer Petition in Supreme Court of India

Under Section 25 of the Code of Civil Procedure the Hon'ble Supreme Court has the power to transfer any Case, appeal or other proceedings from High Court or other civil court in one State to a High Court or other civil court in any other State.

This power may be exercised by the Supreme Court if it is satisfied that an order under this Section is expedient for the ends of justice. Hence wide powers are given to the Supreme Court to order a transfer if it feels that the ends of justice so require.