

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-5923-2014

Date of decision : 19.10.2015

Parveen

...Petitioner

Versus

Seema

...Respondent

CORAM: HON'BLE MR. JUSTICE JITENDRA CHAUHAN

Present: Mr. Tribhuvan Dahiya, Advocate
for the petitioner.

Mr. Anshuman Dalal, Advocate
for the respondent.

JITENDRA CHAUHAN, J. (ORAL)

This Transfer petition has been filed under Section 407 read with Section 482 of the Code of Criminal Procedure seeking transfer of the application No.98 dated 16.05.2013, filed by the respondent-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (for short – 'the Act') titled 'Seema v. Parveen' from the Court of Judicial Magistrate 1st Class, Charkhi Dadri, District Bhiwani to a Court of competent jurisdiction at Rohtak.

Learned counsel for the petitioner has contended that the marriage between the parties was solemnized on 24.01.2007 as per Hindu rites and ceremonies at village Bigowa, Tehsil Charkhi Dadri, District Bhiwani. The parties cohabited as husband and wife in the matrimonial home at village Manana, Tehsil Samalkha, District Panipat. Out of the wedlock, a son, namely, Kunal was born on 30.06.2008 at village Manana (Panipat).

Learned counsel for the petitioner-husband has further contended that the respondent-wife had filed an application bearing No.98 dated 16.05.2013 under Section 12 of the Act, titled 'Seema v.

Parveen' in the Court of Judicial Magistrate 1st Class, Charkhi Dadri, District Bhiwani and the same is at present pending before the Judicial Magistrate.

The transfer of petition is being sought on the ground that the petitioner-husband is staying with his minor son at village Manana (Panipat) and it is extremely inconvenient for him to travel 120 kms (approximately) from Panipat to Charkhi Dadri, District Bhiwani.

In response, learned counsel for the respondent-wife, on instructions from her client, states that he has no objection, if the divorce proceedings are transferred to a place which is equi-distance for both the parties.

After consultation, it is agreed between the parties that the courts at Rohtak would be at equi-distance for both the parties from their respective villages and thus, would be convenient and acceptable to both of them.

In view of the aforesaid agreed stand, the present petition is allowed subject to the payment of ₹ 1,500/- towards travelling expenses in favour of respondent-wife, by the petitioner-husband, on each visit, from Charkhi Dadri to Rohtak over and above any other benefits admissible to the respondent-wife, in any proceedings. The petition bearing No.98 dated 16.05.2013, filed by the respondent-wife under Section 12 of the Act, titled 'Seema v. Parveen' pending in the Court at Charkhi Dadri is ordered to be withdrawn and transferred to Courts of competent jurisdiction at Rohtak for disposal in accordance with law from the stage of withdrawal.

The learned District and Sessions Judge, Bhiwani is directed to send the entire record of the aforementioned petition to the learned

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District & Sessions Judge, Rohtak. The parties are directed to appear before the District & Sessions Judge, Rohtak through their learned counsel on 30.11.2015 who shall entrust the case to the Court of competent jurisdiction.

Allowed.

19.10.2015

yogesh

**(JITENDRA CHAUHAN)
JUDGE**