

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-747-2013 (O&M)

Date of Decision: July 6, 2015

Geeta Rani

...Petitioner

Versus

Tusli Ram

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr. Sandeep Kotla, Advocate,
for the petitioner.

Mr. J.S. Rozera, Advocate,
for the respondent.

1. *Whether Reporters of local papers may be allowed to see the judgment?*
2. *To be referred to the Reporters or not?*
3. *Whether the judgment should be reported in the Digest?*

NARESH KUMAR SANGHI, J (Oral)

The present petition has been filed under Section 24 read with 151 of Civil Procedure Code (for brevity, 'the CPC') for transfer of the petition titled as 'Tusli Ram vs. Geeta Rani', under Section 13(i) of Hindu Marriage Act pending adjudication before learned Additional District Judge, Palwal to the Court of Competent Jurisdiction at Jhajjar.

Learned counsel points out that the petitioner is a woman. Arising out of the matrimonial dispute, three more cases between the same parties are pending at Jhajjar. He also

points out that the petitioner is not able to go to Palwal on each date of hearing to defend the divorce petition filed by the respondent-husband.

Learned counsel for the respondent-husband after seeking instructions from his client very fairly concedes that the petitioner is a woman and their minor child is residing with her at Jhajjar. He has also not denied the pendency of three more cases between the same parties at Jhajjar. However, he has vehemently opposed the transfer of the divorce petition from Palwal to the Competent Court of Jurisdiction at Jhajjar on the premise that father of the petitioner-wife is in Haryana Police and he is always extending threats to the respondent-husband and his family members to sort out the dispute as per his convenience. However, he submits that he has no objection if the divorce petition is transferred from Palwal to Gurgaon.

Learned counsel for the petitioner submits that he has instructions from his client to submit that she too has no objection if the divorce petition is transferred from Palwal to Competent Court of Jurisdiction at Gurgaon.

After hearing learned counsel for the parties and going through the material available on record, this Court is also of the considered opinion that it will not be possible for the petitioner-wife to defend her case properly at Palwal.

However, in view of the submissions made by learned

counsel for the parties, the case detailed in the initial part of this order can be transferred from Palwal to Gurgaon.

In view of the above case titled as 'Tusli Ram vs. Geeta Rani' is transferred to the Board of learned District Judge Gurgaon, who shall either retain the case on his own Board or assign it to any other Court of Competent Jurisdiction within the Sessions Division at Gurgaon.

The parties to the lis shall appear before learned District Judge, Gurgaon on 10.08.2015 at 10.00 am. for further proceedings.

Learned trial Court is directed to send the complete record to the transferee Court immediately.

Disposed of.

(NARESH KUMAR SANGHI)
JUDGE

July 6, 2015

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