

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.779 of 2013 (O&M)
Date of Decision: July 16, 2015

Rajni

...Applicant

Versus

Rajinder Kumar

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.R.K.Handa, Advocate
for the applicant.

Mr.Gaurav Sethi, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Rajni has filed this application under Section 24 CPC against Rajinder Kumar for transfer of petition filed by the respondent under Section 9 of the Hindu Marriage Act, from the Court of learned Civil Judge (Senior Division) Amritsar to the Court of competent jurisdiction at Ambala.

Notice of motion was issued and learned counsel for the respondent appeared and contested the application.

I have heard learned counsel for the parties and have gone through the record.

The case of the applicant is that there is matrimonial dispute between the parties. The applicant is residing at Ambala.

Earlier, an FIR was registered at Police Station Ambala Cannt. under Sections 323, 498-A, 406, 376, 511 and 506 IPC. Thereafter, parties compromised the matter and after some time, again the applicant was turned out of the matrimonial house. It is further stated in the application that applicant has also filed petition under Section 125 Cr.P.C. and the same is pending before learned JMIC, Ambala, in which notice has already been issued to the respondent. It is further the case of the applicant that she is regularly receiving threats from the respondent. The parents of the applicant are poor and respondent is not providing any maintenance to the applicant, so she is not in a position to travel to Amritsar.

In view of the above, I find that proceedings under Section 125 Cr.P.C. are already pending before learned JMIC, Ambala. Further, it is inconvenient for the applicant to go to Amritsar from Ambala to pursue the proceedings under Section 9 of the Hindu Marriage Act. It is the case of the applicant that her parents are poor person and respondent is not paying any maintenance to her.

Keeping in view the facts and circumstances of the present case and inconvenience to the applicant, I find merit in the the present case. No prejudice would be caused to the respondent if the petition under Section 9 of the Hindu Marriage Act is transferred from Amritsar to Ambala, as he is to appear at Ambala in proceedings under Section 125 Cr.P.C. Rather, the parties can take one date in both the cases by making request to the Court.

Therefore, I find merit in the present application and the

same is allowed. The case filed by the respondent-husband under Section 9 of the Hindu Marriage Act is transferred to the Court at Ambala from the Court of learned Civil Judge (Senior Division) Amritsar. The parties are directed to appear before learned District Judge, Ambala on 05.08.2015, who may keep the case with him/her or entrust the same to some other competent Court for disposal in accordance with law. Learned Civil Judge (Senior Division) Amritsar, is directed to send the file to learned District Judge, Ambala, well before the date fixed.

July 16, 2015
Vgulati

(INDERJIT SINGH)
JUDGE