

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

Transfer Application No.166 of 2015 (O&M)

Date of Decision: 15th July, 2015

Sangeeta Goyal

...Petitioner

Versus

Neeraj Goyal

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Mr.Amit Jain, Advocate for
Mr.Vivek Goyal, Advocate,
for the petitioner.

None 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)

CM-4539-CII & 7126-CII-2015

Prayer in these Civil Misc. Applications are for grant
of exemption from filing the certified copies of Annexures P-1 to
P-4.

After hearing learned counsel for the applicant and
going through the contents of the applications which are duly
supported by separate affidavits, the same are allowed. The
applicant is exempted from filing the certified copies of
Annexures P-1 to P-4. Documents Annexures P-1 and P-2 are

taken on record.

CM-7127-CII-2015

Prayer in this Civil Misc. Application filed under Section 151, CPC, is for placing on record the true typed copies of petition filed under Section 125, Cr.P.C., and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 as Annexures P-3 and P-4.

After hearing learned counsel for the applicant and going through the contents of the application which is duly supported by an affidavit, the same is allowed. Documents Annexures P-3 and P-4 are taken on record.

TA-166-2015

The present petition has been filed under Section 24 of the Civil Procedure Code for transfer of petition bearing HMA case No.726 of 2014 titled as ***“Neeraj Goyal vs. Smt.Sangeeta Goyal”*** filed under Section 13 of the Hindu Marriage Act from the board of learned District Judge, Karnal to a Court of the competent jurisdiction at Kurukshetra.

Learned counsel for the petitioner contends that the respondent/husband by concealing his first marriage solemnized the marriage with the petitioner in the year 2003. The petitioner was blessed with two sons. Due to harsh nature of the respondent/husband it was not possible for the petitioner-

wife to pull on well with him. The petitioner along with his younger son was forced to leave the matrimonial house and she had to take shelter at her parental house at Kurukshetra. She has filed a complaint under Protection of Women from Domestic Violence Act, 2005, (Annexure P-4) and a petition under Section 125, Cr.P.C., (Annexure P-3) before learned Judicial Magistrate Ist Class, Kurukshetra. Since the respondent-husband is not paying the maintenance to the petitioner-wife, she has no means to go to Karnal for defending the case filed by her husband. It has also been pointed out that there is no adult member with her to accompany her to Karnal on each date of hearing.

I was constrained to hear learned counsel for the petitioner in the absence of learned counsel for the respondent since he has failed to appear despite notice.

In the matter of ***Sumita Singh vs. Kumar Sanjay & another, AIR 2002 SC 396*** Hon'ble the Supreme Court while dealing with the petition under Section 24, CPC, for transfer of a matrimonial case held that “ it is the wife's convenience that must be looked at”. In ***Jitender Kaur vs. Manpreet Singh***, Transfer Application No.263 of 2009, decided on 25.11.2009, by a Co-ordinate Bench of this Court held that in terms of Section 21-A of the Hindu Marriage Act, all proceedings under the

Hindu Marriage Act have to be tried by the same Court, therefore, a petition under Section 13 of the Hindu Marriage Act filed by the respondent has to be tried by the same court which is seized of earlier proceedings under Section 9 of the Act.

Similar were the pronouncements by this Court in the matters of **Annu Arora vs. Rakesh Kumar**, Transfer Application No.648 of 2011, decided on 16.12.2011 and **Bupinder Kaur vs. Inderpreet Singh**, Transfer Application No.616 of 2011, decided on 09.05.2012 by a Co-ordinate Bench of this Court. In the matter of "**Leena Kalra @ Lovely vs. Parveen Kumar**", Transfer application No.381 of 2014, decided by this Court on 30.03.2015, the same view was endorsed.

Keeping in view the factual and legal aspects of the case, the petition titled as titled as "**Neeraj Goyal vs. Smt.Sangeeta Goyal**" pending before the learned District Judge, Karnal is transferred to the Board of learned District Judge, Kurukshetra who shall either try the said case himself/herself or assign it to any other court of competent jurisdiction within his/her Sessions Division for trial in accordance with law. Learned District Judge, Karnal, shall send the complete record of the above said case to the Court of learned District Judge, Kurukshetra, as soon as the copy of this order is received.

The parties to the *lis* shall appear before learned District Judge, Kurukshetra, on 17.08.2015 at 10:00 am for further proceedings.

Disposed of accordingly.

July 15, 2015
seema

(Naresh Kumar Sanghi)
Judge