

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-210-2015 (O&M)
Date of Decision: July 10, 2015

Paramjit Kaur

...Petitioner

Versus

Hardeep Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE NARESH KUMAR SANGHI

Present: Ms. Rajwinder Kaur, Advocate,
for the petitioner.

Mr. Rajiv Joshi, 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)

CM-11657-CII-2015

Prayer in this civil miscellaneous application, filed under Section 151, CPC, is for exemption from filing certified copy of Annexure A-1.

After hearing learned counsel for the applicant and going through the contents of the application, the same is allowed and the applicant is exempted from filing the certified copy of Annexure A-1.

CM-11658-CII-2015

Prayer in this application is for placing on record reply along with Annexure A-1, on behalf of the respondent.

After hearing the learned counsel for the applicant and going through the contents of the application, the same is allowed. The reply along with Annexure A-1 filed by the respondent is taken on record subject to all just exceptions.

CM-12957-CII-2015

Prayer in this application filed under Section 151, CPC, is for placing on record documents Annexures A-2 to A-3.

After hearing the learned counsel for the applicant and going through the contents of the application, the same is allowed. Annexures A-2 and A-3 are taken on record subject to all just exceptions.

FAO-210-2015:

Present petition, under Section 24 of the Code of Civil Procedure, 1908, has been filed with a prayer to transfer the petition, titled as “Hardeep Singh v. Paramjit Kaur”, filed by the respondent-Hardeep Singh, under Section 13 of the Hindu Marriage Act, 1955, from the Court of learned Additional District Judge, Jalandhar, to a Court of competent jurisdiction at Barnala.

Learned counsel for the petitioner submits that due to incompatible behaviour of the respondent-husband it was not possible for the petitioner-wife to pull on well with him (respondent-husband). The petitioner-wife alongwith her minor child, was forced to leave the matrimonial house and, as such, she had to take shelter at her parental house at Barnala. It has also been pointed out by learned counsel that an application under Section 125, Cr.P.C., for grant of maintenance was filed by the petitioner-wife at Barnala, which is pending adjudication. She further states that the petitioner-wife has no means to visit from Barnala to Jalandhar on each and every date of hearing of the case filed by the respondent-husband against her at Jalandhar.

On the other hand, learned counsel for the respondent-husband submits that in the year 2007, Hardeep Singh had met with an accident in which his leg was totally crushed. He was operated upon and iron rod and iron plates were inserted in his leg. He (Hardeep Singh) moves with difficulty from one place to another, therefore, the case mentioned here-in-above may not be transferred to Barnala. Learned counsel also points out that the petitioner-wife is a quarrelsome woman and the respondent-husband has every apprehension that as soon as he (Hardeep Singh) would visit Barnala to attend his case, then he might be

caused harm.

During course of arguments, both the counsel for the parties sought time to seek instructions from their clients to arrive at a consensus so that the case referred to here-in-above may be transferred to a place which is convenient to both of them. After seeking instructions both the counsel stated at the Bar that the case titled as “Hardeep Singh v. Paramjit Kaur”, pending adjudication in the Court of learned Additional District Judge, Jalandhar, be transferred to the competent Court of jurisdiction at Moga.

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 fair for both the parties to face litigation at Jalandhar or Barnala and, as such, the case can be transferred to a third place.

Since, Civil Court at Moga is convenient to both the parties, therefore, the case titled as “Hardeep Singh v. Paramjit Kaur”, pending adjudication in the Court of learned Additional District Judge, Jalandhar, is transferred to the Board of learned District Judge, Moga, for trial in accordance with law. Learned District Judge, Moga, may retain the case on his own Board or assign the same to any other Court of competent jurisdiction within Sessions Division, Moga.

Learned Additional District Judge, Jalandhar, shall remit the complete record of the case titled as “Hardeep Singh v. Paramjit Kaur” to the office of learned District and Sessions Judge, Moga, immediately.

The parties to the *lis* are directed to appear before learned District Judge, Moga, on 11.8.2015, at 10:00 a.m., for further proceedings.

The present petition stands disposed.

July 10, 2015
P Kapoor

(NARESH KUMAR SANGHI)
JUDGE