

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

TA No.28 of 2015 (O&M).

Date of Decision: 13.08.2015.

Neetu Bansal alias Neetu Verma and anotherPetitioners.

VERSUS

Kiran LataRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Aditi Girdhar, Advocate for the petitioners.

Mr. Naveen Batra, Advocate for the respondent.

SNEH PRASHAR, J.

This is a petition under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") seeking transfer of the suit for recovery filed under Order 7 Rule 1 of the Code of Civil Procedure (for short, "C.P.C.") by the respondent from the court of Civil Judge (Senior Division), Rupnagar to the court of competent jurisdiction at Jalandhar.

The submissions made by learned counsel representing the petitioners and learned counsel representing the respondent have been considered.

From the rival contentions of the parties, it transpires that the

parties to the suit for recovery, referred to above, are closely related. Petitioner No.1 (defendant No.1) Neetu Bansal is the daughter-in-law of respondent (plaintiff) Smt. Kiran Lata. It was submitted on behalf of the petitioners that a marital dispute is going on between petitioner Neetu Bansal and her husband Ajay Bansal (son of Kiran Lata). They were married on 22.05.2013 at Jalandhar, but no issue was born out of the wedlock. From the very beginning of the marriage, differences cropped up between them due to intervention in their affairs by other members of the in-laws family. Ultimately, she was turned out of the matrimonial home in the first week of January, 2014 and since then she was residing at her parental home with her brother Tarun Verma (petitioner No.2).

Learned counsel further submitted that on a complaint lodged by petitioner No.1, First Information Report No.14 dated 15.01.2014 under Section 498-A of the Indian Penal Code (for short, "I.P.C.") was registered at Jalandhar. As a counter blast to the criminal case, Ajay Bansal filed a petition under Section 13 of the Hindu Marriage Act, 1955 (for short, "the Act of 1955") in the court of District Judge, Rupnagar. To further harass and humiliate her, respondent-mother in law filed a false and frivolous suit for recovery of Rs.2 lacs as damages on account of defamation against the petitioners. The suit had been filed only to pressurize petitioner Neetu Bansal to withdraw the cases filed by her against her husband and other members of in-laws family. Submitting that the parents of petitioner Neetu Bansal have already expired and she is living at the mercy of her brother Tarun Verma who has also been roped in the false and frivolous litigation

and further that she has no source of income to bear the financial burden of defending the case at Rupnagar because of which the instant application has been filed by her through Legal Aid Authority, learned counsel prayed that the suit be transferred from Rupnagar to Jalandhar.

Contesting the prayer of the petitioners, learned counsel for the respondent submitted that while petitioner Neetu Bansal is a young lady, respondent Kiran Lata, her mother-in-law, is an old lady, aged about 65 years. She is residing at Rupnagar and it will be difficult for her to travel to Jalandhar to pursue her case. Learned counsel also contended that the petition under Section 13 of the Act of 1955 was filed by Ajay Bansal against his wife Neetu Bansal (petitioner No.1) at Rupnagar. She had filed an application for transfer of that petition from Rupnagar to Jalandhar before this court vide T.A. No.655 of 2014 but for the reason best to known to her, the application was withdrawn by her. She actively contested the petition at Rupnagar. When she had no problem during trial of the said petition, there is no ground for transfer of the civil suit filed by the mother-in-law to the place where the petitioners are residing i.e. Jalandhar.

It was pointed out during the course of arguments that the petition under Section 13 of the Act of 1955 filed by Ajay Bansal against petitioner Neetu Bansal has since been dismissed by District Judge, Rupnagar. As submitted by learned counsel for the petitioners, a criminal case under Section 498-A I.P.C. stands registered against Ajay Bansal at Jalandhar. In addition to the said case, a petition under Section 125 Cr.P.C. claiming maintenance allowance from Ajay Bansal and a petition under the

Protection of Women from Domestic Violence Act, 2005, filed by petitioner Neetu Bansal are all pending at Jalandhar. The petition for divorce filed by Ajay Bansal has already been dismissed. Admittedly, respondent is mother-in-law of petitioner Neetu Bansal and it is apparent from the nature of suit filed by her that her grievance has arisen out of the marital dispute between petitioner Neetu Bansal and her husband Ajay Bansal. When the petition for divorce filed by Ajay Bansal has already been decided, it will not only be difficult for petitioner Neetu Bansal to continue travelling to Rupnagar to contest the litigation now initiated by the mother-in-law, it will also be an additional financial burden on her whereas there is nothing to indicate that she has any independent source of income.

Considering all aspects of the case, in my considered opinion, it shall be expedient and in the interest of justice that the suit filed by the respondent at Rupnagar is withdrawn from the said court and is transferred to the court of competent jurisdiction at Jalandhar. The file shall be sent by the trial court to the court of District and Sessions Judge, Jalandhar within two weeks from the date of receipt of copy of this order, who will entrust the same to the competent court of jurisdiction at Jalandhar.

The parties are directed to appear before the District and Sessions Judge, Jalandhar on 16.09.2015.

(SNEH PRASHAR)
JUDGE

13.08.2015.
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