

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

TA No.427 of 2015.

Date of Decision: 02.09.2015.

Vijay Kumar KauraApplicant.

VERSUS

Sandya KauraRespondent.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Mr. R.S. Narang, Advocate for the applicant.

None for the respondent.

SNEH PRASHAR, J.

This application under Section 24 of the Code of Civil Procedure (for short, "C.P.C.") has been filed by the applicant seeking transfer of civil suit for partition titled "Sandhya Kaura vs. Vijay Kumar Kaura" from the Court of Civil Judge (Junior Division), Gurgaon to the Court of competent jurisdiction at Chandigarh.

Notice of the application was given to the respondent but despite service she did not opt to appear and contest the application.

The submissions made by learned counsel representing the applicant have been considered.

The applicant is stated to be a senior citizen aged about 75 years and is residing at Chandigarh. As pointed out by learned counsel for the applicant, the respondent is also residing at Chandigarh. The respondent is the daughter-in-law of the applicant, but it appears that relations of the respondent with her husband as well as with the in-laws family are strained. On a complaint filed by the respondent, First Information Report No.118 dated 11.08.2010 under Section 406 and 498-A of the Indian Penal Code (for short, "I.P.C.") was registered at Police Station Sector-11, Chandigarh, against the applicant, his wife and their son. On a petition filed by the applicant under Section 482 Code of Criminal Procedure (for short, "Cr.P.C.") before this Court, the First Information Report qua the applicant and his wife was quashed vide order dated 11.03.2015. In the order, it was mentioned that the son of the applicant (husband of the respondent) was suffering from schizophrenia and is receiving treatment from GMCH, Sector-32, Chandigarh and is being taken care of by the applicant and his wife.

Learned counsel for the applicant submitted that it is only to harass and humiliate the applicant that the respondent has filed the civil suit for partition relating to a property at Gurgaon. He also submitted that the applicant is suffering from Ortho-arthritis in both his knees and has been advised knee replacement. The medical record of the applicant has been annexed with the application.

Considering the aforesaid facts and circumstances, the age and physical condition of the applicant as is apparent from the documents filed,

the suit instituted by the respondent and pending before Civil Judge (Junior Division), Gurgaon is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Chandigarh. The file shall be sent by the trial Court to the Court of District and Sessions Judge, Chandigarh within two weeks from the date of receipt of copy of this order, who will entrust the same to the Court of competent jurisdiction at Chandigarh.

The parties are directed to appear before the District and Sessions Judge, Chandigarh on 29.09.2015.

(SNEH PRASHAR)
JUDGE

02.09.2015.
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