

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA-56-2015

Date of decision: 17.03.2015

Harprit Singh

... Petitioner

Vs.

Maninder Kaur

... Respondent

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON

Present: Mr. Narender Kumar Vashist, Advocate as Amicus curiae.

DR. BHARAT BHUSHAN PARSOON, J. (ORAL)

As per report of the Registry, the address of the respondent is not available in the file.

Learned counsel for the petitioner states that he is not in a position to supply the address of the respondent as the petitioner is confined in the jail and he is only amicus curiae.

In this situation, no further notice is being issued to the respondent as the proposed order is not likely to cause any prejudice to the respondent.

By filing this application, the petitioner has sought transfer of petition under Section 13 of the Hindu Marriage Act, 1955 pending in the Court of Additional District Judge, Pathankot to other Court of competent jurisdiction on the ground that he is lodged in the Central Jail, Amritsar and he is not in a position to appear on each and every date of hearing of the case pending at Pathankot.

It is to mention here that District and Sessions Judge, Pathankot has made a reference to this Court to the effect that since one of the parties is

known to him and as such in order to maintain judicial propriety, he recused himself to decide the said transfer application.

In this situation, Section 24 (1) (a) & (b) of the Code of Civil Procedure, 1908 reads as under: -

"24. General power of transfer and withdrawal. - (1) On the application of the parties and after notice to the parties and after hearing such of them as desired to be heard, or of its own motion without such notice, the High Court or the District Court may at any stage-

(a) transfer any suit, appeal or other proceeding pending before it for trial or disposal to any Court subordinate to it and competent to try or dispose of the same, or

(b) withdraw any suit, appeal or other proceeding pending in any Court subordinate to it, and-

.....,"

In view of the above facts and circumstances, request of the petitioner is allowed.

Consequently, the petition under Section 13 of the Hindu Marriage Act, 1955 pending in the Court of Additional District Judge, Pathankot is transferred to the Court of District & Sessions Judge, Amritsar who may retain it or transfer to any other Court of competent jurisdiction.

Both the concerned District & Sessions Judges shall comply.

The petition stands allowed.

[DR. BHARAT BHUSHAN PARSOON]
JUDGE

17.03.2015
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