

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

TA-315-2014

Date of Decision: July 10, 2015

SHIVANI PATHANIA

....PETITIONER

VS

JATINDER THAKUR

.....RESPONDENT

CORAM: HON'BLE MR.JUSTICE NARESH KUMAR SANGHI

Present: Sh. Krishan Singh Dadwal, Advocate
for the petitioner.

Mr. Ranjan Lohan, 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)

The present petition has been filed under Section 24 of Code of Civil Procedure for transfer of petition titled as "Jatinder Thakur Vs. Shivani Pathania" from the Board of learned Civil Judge (Junior Division), Chandigarh to the Court of competent jurisdiction at Kalka.

The learned counsel for the petitioner contends that wife-Shivani Pathania could not pull on well with the

respondent-husband on account of his misbehaviour. The petitioner-wife was forced to leave her matrimonial house along with her minor child and as such she had to take shelter at her parental house at Kalka. For redressal of her grievance, she was constrained to file case under Protection of Women from Domestic Violence Act, 2005 before the Court of competent jurisdiction at Panchkula. He further submits that in retaliation thereof and to further aggravate the misery of the petitioner-wife, the petition under Section 9 of Hindu Marriage Act has been presented before the learned Court at Chandigarh. He prays that the said petition may be transferred to the Court of competent jurisdiction at Panchkula.

Learned counsel for the respondent-husband after seeking instructions from his client has agreed that the petition filed by the respondent-husband under Section 9 of Hindu Marriage Act at Chandigarh be transferred to the competent Court of jurisdiction at Panchkula. However, he submits that the allegations levelled by the petitioner-wife in the present petition are not acceptable.

After hearing learned counsel for the parties and going through the contents of the application, which is duly supported by an affidavit, this Court is of the considered view

that the case titled as “Jatinder Thakur Vs. Shivani Pathania” under Section 9 of Hindu Marriage Act pending adjudication before learned Civil Judge (Junior Division) be transferred to the Court of learned District Judge, Panchkula, who shall either himself retain the case or assign it to any other Court of competent jurisdiction according to law.

Learned Civil Judge (Junior Division) shall remit the complete record of the above stated case to the transferee Court immediately

The parties to the *lis* shall appear before learned District Judge, Panchkula on 11.08.2015 at 10:00 a.m., for further proceedings.

Disposed of accordingly.

July 10, 2015
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(NARESH KUMAR SANGHI)
JUDGE