

In the High Court of Punjab and Haryana at Chandigarh

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T.A. No.572 of 2014

.....

Date of decision:20.3.2015

Smt. Nikita

.....Petitioner

v.

Rakesh

.....Respondent

....

Coram : Hon'ble Mr. Justice Inderjit Singh

.....

Present: Mr. Rakesh Nehra, Advocate for the petitioner.

Mr. Amardeep Hooda, Advocate for the respondent.

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Inderjit Singh, J.

This petition has been filed under Section 24 C.P.C. for transferring the petition filed under Section 10 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') for judicial separation titled as “Rakesh Vs. Nikita”, filed by respondent in the Court of Additional District Judge, Rohtak, which is pending for 1.10.2014.

It is mainly stated in the petition that the present petitioner has filed the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'Domestic Violence Act') in the Court of Judicial Magistrate Ist Class, Charkhi Dadri and another criminal case relating to FIR No.152 dated 16.5.2011 registered

against the present respondent Rakesh and his mother for the offences under Sections 498-A, 406 and 34 IPC at Police Station Sadar, Dadri and the trial of the same is pending before the Court of learned Judicial Magistrate Ist Class at Charkhi Dadri. It is also stated in the petition that the petitioner is a poor lady having no source of income and it would not be possible for her to bear the expenses of travelling for such a long distance. Moreover, it takes more than 2/3 hours to travel from Village Jhojju Khurd to Courts at Rohtak as there is no direct transport from their village. Firstly, the petitioner will have to come to Charkhi Dadri in the local jeeps plying on the local routes, then from there she has to take the bus to Bhiwani and then from Bhiwani, she has to change the bus to Rohtak. There is no such male member in the family, who can accompany her on each and every date to District Courts, Rohtak.

On notice of motion, the respondent has put in appearance through his counsel and contested this petition. He has stated that he has not to file any reply to the petition.

I have heard learned counsel for the parties and have gone through the record.

At the time of arguments, learned counsel for the petitioner argued that two cases are already pending at Charkhi Dadri i.e. Sub Division of Bhiwani and a lot of inconvenience is being caused to the petitioner to reach at Rohtak to attend the Court proceedings, therefore, the case may be transferred to District Courts at Bhiwani. Leaned counsel for the petitioner argued that this case cannot be transferred to Charkhi Dadri, but only to

Bhiwani as the Court of District Judge is only at the District Headquarters.

Learned counsel for the respondent only argued that the respondent has to travel for two hours if the case is transferred. The fact that two cases are pending in the Courts at Charkhi Dadri is admitted, which means that the respondent is already appearing in two cases at Charkhi Dadri, which is Sub Division of Bhiwani. He will not suffer any inconvenience if he attends the Court at Bhiwani also.

On the other hand, the petitioner being lady and there being no male member in the house, who can accompany her, and she has to change the transport vehicle two-three times, therefore, in the facts and circumstances of the present case, I accept this petition. The case filed under Section 10 of the Act in the Court of Additional District Judge, Rohtak is transferred to the Court of District Judge, Bhiwani.

The parties are directed to appear in that Court on 22.4.2015. The District Judge, Bhiwani will be at liberty to keep this case with him or can transfer the same to any of the Additional District Judge at Bhiwani, who will proceed as per law.

The petition is allowed accordingly.

March 20, 2015.

**(Inderjit Singh)
Judge**

hsp