

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

TA No.759 of 2014

Date of Decision: April 07, 2015

Pooja

...Applicant

Versus

Sanjeev

...Respondent

CORAM: HON'BLE MR. JUSTICE INDERJIT SINGH

Present: Mr.Sushil Jain, Advocate
for the applicant.

Mr.Rakesh Nehra, Advocate
for the respondent.

INDERJIT SINGH, J.

Applicant Pooja has filed this application under Section 24 CPC against Sanjeev for transfer of petition filed by the respondent under Section 13 of the Hindu Marriage Act pending in the Court of learned Addl. District Judge, Chandigarh, to District Judge, Sonapat.

Notice of motion was issued and learned counsel for respondent appeared and contested the application.

At the time of arguments, learned counsel for the applicant argued that two cases are already pending at Sonapat i.e. proceedings under Section 125 Cr.P.C. and another petition under Section 12 of the Protection of Women from Domestic Violence Act. Therefore, he argued that the case in question which is pending at Chandigarh, should also be transferred to Sonapat as it causes inconvenience to the applicant to come to Chandigarh to pursue the proceedings.

On the other hand, learned counsel for the respondent

argued that he has no objection if the case is transferred to District Court, Panipat instead of Sonapat where another case under Section 406 and 498-A IPC has already been transferred by this Court vide order dated 09.05.2011.

Keeping in view the fact that the case under Section 406 and 498-A IPC has already been transferred by this Court to Panipat and Panipat is nearby station to Sonapat, no inconvenience would be caused to the applicant, if the case is transferred to that place. Furthermore, learned counsel for the respondent has no objection for transferring the case to Panipat.

In view of the fact that parties are appearing in case under Section 406 and 498-A IPC, therefore, in this case also, parties can appear at Panipat.

Without going into the allegations levelled in the petition etc. and without expression any opinion on the allegations, this petition is accepted accordingly. Therefore, the petition filed by the respondent under Section 13 of the Hindu Marriage Act pending in the Court of learned Addl. District Judge, Chandigarh is transferred to the Court of District Judge, Panipat. The parties are directed to appear before learned District Judge, Panipat on 27.04.2015. Learned District Judge, Panipat may keep the case with him or entrust the same to some other competent Court at Panipat for disposal in accordance with law.

April 07, 2015
Vgulati

(INDERJIT SINGH)
JUDGE