

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

CRM-M No. 39872 of 2015

Date of decision: 06.12.2016

Kiran Devi & Anr.

...Petitioners

Versus

Rajesh Kumar & others

Respondents

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present:- Mr. Kunal Mujwani, Advocate,
for the petitioners.

Mr. Ashish Grover, Advocate
for the respondents.

JAISHREE THAKUR, J. (Oral)

The instant petition has been filed by the applicant-wife seeking transfer of the case filed under Sections 12 & 18 of the Protection of Women from Domestic Violence Act, 2005 before the Chief Judicial Magistrate, Bathinda to any other place on the ground that the respondent-husband is a practicing Advocate in the Courts at Bathinda.

Reply has been filed wherein it is contended that both the parties are resident of Bathinda and as such both would be put to a great inconvenience if the transfer petition is allowed.

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

Admittedly, the parties are residing at Bathinda, however, it is not in dispute that the respondent herein is practicing Advocate at Bathinda itself and would likely to influence the local Advocates. A petition under Section 13 of the Hindu Marriage Act was also filed by the husband at

Bathinda in which a transfer application was moved by the wife on similar grounds claiming that her husband being a practicing Advocate would be in a position to influence the Members of the Bar and the matter was accordingly transferred. However, as per the information given today in Court the divorce petition has been dismissed in default.

Keeping in view the fact and circumstances of the case noticed herein that the respondent is a practicing Advocate justice would demand that the petition filed under Sections 12 & 18 of the Protection of Women from Domestic Violence Act, 2005 be transferred from Bathinda to any other Court as was done in a petition filed under Section 13 of the Hindu Marriage Act. This transfer petition is allowed keeping in view that complete and substantial justice should be done between the parties.

Learned Chief Judicial Magistrate, Bathinda is directed to send the complete record of the aforesaid petition, to the learned Chief Judicial Magistrate, Barnala at any early date and in any case within a period of one month from the date of receipt of certified copy of this order.

06.12.2016
sp

(JAISHREE THAKUR)
JUDGE

Whether speaking/reasoned

Yes

Whether reportable

No