

TA No.417 of 2015

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

TA No.417 of 2015
Date of decision: 08.01.2016

Satyawan Singh Swami

....Applicant

Versus

Kanta Devi

....Respondent

CORAM: HON'BLE MR. JUSTICE PARAMJEET SINGH DHALIWAL

- 1) Whether Reporters of the 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 ?

Present: - Mr. Vikram Singh, Advocate, for the petitioner
along with petitioner.
Mr. G.S. Sandhu, Advocate, for the respondent.

PARAMJEET SINGH DHALIWAL, J. (ORAL)

Instant application under Section 24 of the Code of Civil Procedure has been filed for transfer of petition bearing HMA No.42 of 18.04.2014 titled as 'Satyawan Singh Swami v. Kanta Devi' from the Court of learned Additional District Judge, Karnal, to any Court of competent jurisdiction at District Karnal, as the applicant has danger to his life at Jind at the hands of the respondent and her family members.

Brief facts of the case are that petitioner filed a petition under Section 13 of the Hindu Marriage Act for dissolution of marriage, which is pending in the Court of learned Additional District Judge, Jind. It is alleged that during the pendency of the said petition when petitioner was coming out of the Court after attending the proceedings, he was waylaid

TA No.417 of 2015

by respondent and her relations. They also caused injuries to him. FIR No.289 dated 31.05.2015 under Sections 148, 149, 323, 452, 506 IPC dated 31.05.2015 was registered at Police Station Assandh, District Karnal against the respondent and her relations. Hence, this application.

In pursuance of notice of motion, respondent has filed reply to transfer application stating that present application for transfer of the case is misconceived and deserves to be dismissed with exemplary costs on the ground of misrepresentation as well as concealment of facts. FIR in question has been got registered by the petitioner by manipulating the facts by using influence whereas, in fact, no such incident took place, rather petitioner used to threaten the respondent.

I have heard learned counsel for the parties and perused the record.

The apprehension of the petitioner is that if he will appear in the Court at Jind, the area to which the parents of the respondents belong, respondent and her relations can cause more harm and grievous injuries to the petitioner and more serious consequences can follow.

Without going into the merits of the case and keeping in view the apprehension of the petitioner, who is present in Court, this Court is of the opinion that to do complete justice, HMA No.42 of 18.04.2014 titled 'Satyawar Singh Swami v. Kanta Devi' is required to be transferred to the Court of competent jurisdiction at Panipat. Accordingly, HMA No.42 of 18.04.2014 is ordered to be transferred to the Court of learned District Judge, Panipat, subject to deposit of ₹40,000/- as litigation

TA No.417 of 2015

expenses as the respondent has engaged the counsel at Jind and she will have to again engage a counsel at Panipat. Since the respondent will have to travel from Assandh to Panipat she will also be paid traveling expenses and diet money which are assessed as ₹500/- to be paid on every date to be fixed by learned District Judge, Panipat. District Judge, Panipat, shall make an endeavour to decide the case expeditiously by strictly following the procedure of Code of Civil Procedure for giving date for leading evidence.

Learned counsel for the parties state that case is fixed for 15.1.2016 before the learned Additional District Judge, Jind. Parties are directed to appear before the learned District Judge, Panipat, on 28.1.2016. Learned Additional District Judge, Jind shall ensure that entire record of the case is sent to the Court of learned District Judge, Panipat before the date fixed.

Disposed of in above terms.

(Paramjeet Singh Dhaliwal)
Judge

January 08, 2016
R.S.