

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

Date of decision: 8.5.2017

1. **CRM-M No. 36640 of 2015(O&M)**

Neena Verma and othersPetitioners

VERSUS

Mukesh VermaRespondent

2. **CRM-M No. 36596 of 2015(O&M)**

Neena Verma and othersPetitioners

VERSUS

Mukesh Verma and othersRespondents

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present: Mr. Bhanu Partap Singh, Advocate for the petitioners.

REKHA MITTAL, J.

This order will dispose of CRM-M No.36596 and 36640 of 2015 as identical questions of law and facts are involved for adjudication.

Counsel for the petitioners has submitted that there is marital dispute between Neena Verma and Mukesh Verma and out of their wedlock, three children Banu Verma, Aman Verma and Nitika Verma were born. Counsel has submitted that three litigations namely complaint Neena Verma Vs. Mukesh Verma under Sections 323, 324, 326, 307, 406, 498-A, 506, 509 read with Section 34 of the Indian Penal Code, 1860 (in short 'IPC'), civil suit for partition and permanent injunction Neena Verma Vs. Mukesh Verma and others and the divorce petition filed under Section 13 of the Hindu Marriage Act, 1955 are pending in the Courts at Patiala. It

is further submitted that Mukesh Verma, one of the respondents in the aforesaid litigations is presently residing at Patiala and so also his father Sh. Rattan Lal Verma. It is prayed that the proceedings initiated by the petitioners under Section 125 Cr.P.C. and Protection of Women from Domestic Violence Act, 2005 pending in the Court at Ludhiana may be transferred to the Court at Patiala, so that the petitioners are saved from unnecessary inconvenience and expense etc when otherwise it would also cause convenience to the respondent – husband to attend to the proceedings at Patiala.

There is no representation on behalf of respondents No.1 to 3 in CRM-M No.36596 of 2015 despite service. Counsel for the petitioners had apprised the Court that respondents No.4 to 6 in the said petition are yet to be served in the proceedings pending before the Court below, therefore, service of respondents No.4 to 6 is dispensed with.

As Mukesh Verma did not cause appearance, there is no counter to the allegations that Mukesh Verma and Rattan Lal Verma are residing in Patiala, therefore, no prejudice is likely to be caused to them in case the litigation pending in the Court at Ludhiana is transferred to the Court at Patiala. On the contrary, as petitioner Neena Verma and the minor children are residing at Patiala, it would be more convenient for them to pursue the litigation at Patiala where three more cases between the parties are pending. That being so, case titled **Neena Verma and others Vs. Mukesh Verma and others** Registered No.2/2015 dated 24.12.2014 filed under Sections 12, 18, 19, 20, 22 & 23 of Protection of Women from Domestic Violence Act, 2005 and **Neena Verma and others Vs. Mukesh Verma and others** Registered No.1/2015 dated 02.01.2015 filed under

Section 125 Cr.P.C. are ordered to be withdrawn from the Courts at Ludhiana and are transferred to the Court of Judicial Magistrate Ist Class, Patiala. The Sessions Judge, Patiala is directed to assign the cases to the competent Court for proceeding with the matter, in accordance with law. The Sessions Judge, Ludhiana would ensure that complete records of the aforesaid cases are sent to the Sessions Judge, Patiala forthwith.

MAY 8, 2017
'D. Gulati'

(REKHA MITTAL)
JUDGE

Whether speaking/reasoned	:	yes/no
Whether reportable	:	yes/no