

**HIGH COURT FOR THE STATES OF PUNJAB & HARYANA AT
CHANDIGARH**

TA No.201 of 2016 (O&M)

Date of decision:6.4.2017

Preeti Rani

...Applicant

Versus

Arun Bansal

...Respondent

CRM-M No.16746 of 2016

Arun Bansal

...Applicant

Versus

Preeti Rani

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Ms.Natasha Munjal, Advocate for the applicant in
TA No.201 of 2016 and for the respondent in
CRM-M No.16746 of 2016.

Mr.Sandeep Goyal, Advocate for the petitioner in
CRM-M No. 16746 of 2016 and for the respondent in
TA No.201 of 2016.

RAMESHWAR SINGH MALIK, J. (Oral)

These two identical transfer applications between the same parties are being disposed of, vide this common order, with the consent of learned counsel for the parties, as both these transfer applications are arising out of similar set of facts. However, for the facility of reference, facts are being culled out from TA No.201 of 2016.

Applicant, by way of instant transfer application under Section 24 of the Code of Civil Procedure (for short 'CPC'), seeks transfer of the

petition under Section 13 of the Hindu Marriage Act, 1955 ('the Act' for short) titled as Arun Bansal Vs. Preeti Rani, filed by respondent-husband from Karnal to Ferozepur.

Similarly by way of CRM-M No.16746 of 2016, husband has filed a petition under Section 407 of Code of Criminal Procedure ('Cr.P.C.' for short), seeking transfer of the petition filed by the respondent-wife under Section 125 Cr.P.C. from Ferozepur to Karnal.

Notice of motion was issued in both these cases. CRM-M No.16746 of 2016 was ordered to be heard with TA No.201 of 2016 vide order dated 3.2.2017.

Heard learned counsel for the parties.

When these cases came up for hearing on 14.3.2017, following order was passed by this Court:-

“There is a serious dispute between the parties, whether the respondent-husband is suffering from any ailment or not.

Learned counsel for the respondent-husband submits that as on date, respondent is staying with his sister at Kurukshetra.

In view of the above, Civil Surgeon, Kurukshetra, is directed to constitute a Medical Board to get medical test of the respondent namely Sh. Arun Bansal, conducted at an early date, on payment of requisite charges by the respondent.

Let the medical examination be conducted within a period of two weeks from today and thereafter, the Civil Surgeon, Kurukshetra, shall furnish his report to this Court before the next date of hearing.

List on 6.4.2017.

Office is directed to send a copy of this order to the Civil Surgeon, Kurukshetra, forthwith, for compliance.

A copy of this order be placed on the file of connected case.”

In compliance of the above-said order passed by this Court,

Civil Surgeon, Kurukshetra, constituted a Board of Doctors, who conducted the medical examination of the respondent-husband namely Shri Arun Bansal. Clinical examination and final opinion of the Medical Board reads as under:-

“Clinical Examination:-

Spastic rigidity present in the left upper and left lower limbs.

Clonus present in left lower limb.

Chest X ray (Dated 22/03/2017, L..J.P Hospital, Kurukshetra):-Suggestive of Cardiomegaly, rest-within normal limits.

ECG (Dated 20/03/2017, L.N.J.P. Hospital, Kurukshetra):- shows qS waves in leads aVf and V1 and T wave inversion in leads V3-V6 and lead III.

Final Opinion:- *After going through past history, clinical records produced, present clinical examination and fresh investigation done, the board is of the opinion that patient Arun Bansal Son of Shri K.K.Bansal is suffering from Dilated Cardiomyopathy and left spastic hemiplegia (due to stroke) and patient is also on maintenance treatment for Mixed Anxiety and Depressive disorder.*

Sd/-

*Dr.Narinder Pruthi
Senior Medical Officer
L.N.J.P Hospital,
Kurukshetra*

Sd/-

*Dr.Anoop Mehta
Medical Officer
L.N.J.P Hospital,
Kurukshetra*

Sd/-

*Dr.Gautam Chawla
Medical Officer
L.N.J.P Hospital,
Kurukshetra”*

A bare perusal of the medical report would show that respondent-husband would be unable to go to Ferozepur from Karnal to pursue both these litigations pending between the parties. Further learned counsel for the respondent-husband has stated that TA No.201 of 2016 filed by the applicant-wife may be dismissed and CRM-M No.16746 of 2016 filed by the husband, seeking transfer of petition under Section 125 Cr.P.C. filed by the wife from Ferozepur to Karnal be allowed because the

respondent-husband would pay actual expenses for journey to be undertaken by the wife to come from Ferozepur to Karnal, to attend the court proceedings in both these cases. Learned counsel for the respondent-husband further submits that husband would be paying the travelling expenses for the wife as well as one another person from her family, who would be accompanying her from Ferozepur to Karnal, however, the travel expenses should be either by bus of the State Transport or by the train.

After hearing the learned counsel for the parties and going through the record of both these cases, this Court is of the considered opinion that interest of justice demands that the petition filed by the wife under Section 125 Cr.P.C. deserves to be transferred from Ferozepur to Karnal and divorce petition filed by the husband deserves to be allowed to continue at Karnal itself, however, subject to payment of travelling expenses for the applicant-wife along with another member of her family from Ferozepur to Karnal, as and when she would come to attend the court proceedings.

Accordingly, TA No. 201 of 2016 is dismissed and the divorce petition filed by the husband would continue at Karnal. CRM-M No.16746 of 2016, filed by the husband, is allowed and the petition filed by the wife under Section 125 Cr.P.C. is ordered to be transferred from Ferozepur to Karnal.

The learned District & Sessions Judge, Ferozepur, is directed to send complete record of the petition filed by the wife under Section 125 Cr.P.C. titled as Preeti Rani Vs. Arun Bansal to the learned District Judge, Karnal, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order.

The learned District & Sessions Judge, Karnal, is also directed to assign the petition under Section 125 Cr.P.C. titled as Preeti Rani Vs. Arun Bansal to the learned court of competent jurisdiction at Karnal for its early decision. He is also directed to ensure that divorce petition filed by the husband at Karnal as well as the petition filed by the wife under Section 125 Cr.P.C. are ordered to be heard on the same date, though by different courts having jurisdiction, so as to enable both the parties to attend the proceedings of both these cases on the same date.

Should there be any confusion, it is also clarified that on each date of hearing, as and when the wife comes to attend the court proceedings from Ferozepur to Karnal, the respondent-husband would pay the amount spent by her on account of travelling expenses from Ferozepur to Karnal for two persons on furnishing the railway/bus tickets and the learned courts shall ensure that the requisite amount is paid by the husband to the wife on the date of hearing itself.

With the above-said observations made and directions issued, both these transfer petitions stand disposed of, however, with no order as to costs.

6.4.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

Whether Speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No