

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

-.-

TA 516 of 2016 (O&M)

Date of decision: 06.11.2017

Manjeet Kaur

..... *Applicant*

Versus

Rakesh Mehra

..... *Respondent*

Coram: Hon'ble Mrs. Justice Rekha Mittal

-.-

Present: Mr. SRS Malhi, Advocate
for the applicant

Mr. Mohit Rana, Advocate
for the respondent

-.-

Rekha Mittal, J. (Oral)

The applicant – wife prays for transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (in short, 'HMA') titled '*Rakesh Mehra v Manjeet Kaur*' from the Court of District Judge (Family Court), Ambala to a Court of competent jurisdiction at Dera Bassi, District Mohali.

Counsel for the applicant has submitted that application under Section 125 of the Code of Criminal Procedure (in short, 'Cr.P.C.') filed by the applicant is pending in the Court at Dera Bassi, Mohali in which the respondent-husband has caused appearance. It is further argued that when the applicant along with her child and father went to attend the Court proceedings at Dera Bassi, the respondent-husband, his brother and 3-4 persons threatened the applicant and her father not to attend the Court and pressurized her to withdraw the petition under Section 125 Cr.P.C. and FIR

No. 0145 dated 16.05.2016 for offences punishable under Sections 406, 498-A and 323 of Indian Penal Code registered against the respondent and his mother Salochna Devi at Police Station Zirakpur and also threatened that if they come to attend the next date of hearing i.e. 10.08.2016 at Dera Bassi, they would face dire consequences. It is argued with vehemence that these threats extended by the respondent has created a reasonable apprehension in her mind that in case she goes to attend the proceedings pending in the Court at Ambala, she or her family members may be caused harm at the behest of the respondent. Another submission made by Counsel is that the petition under Section 9 HMA can be decided by the same Court at Dera Bassi, Mohali which is seized of the proceedings under Section 125 Cr.P.C.

Counsel for the respondent, on the other hand, would urge that there is hardly any distance between Dera Bassi and Ambala, therefore, there is no question of inconvenience to the applicant in case the proceedings are allowed to continue at Ambala. In addition, it is argued that the averments raised in the application with regard to threats extended by the respondent are unfounded and cannot become basis for transfer of petition.

The respondent has not filed any reply to the application to counter averments raised in paras 6 and 7 of the application. The minor child aged about 4 years, born out of the wedlock, is being looked after by the applicant. The petition under Section 9 HMA can be decided by the same Court where the proceedings under Section 125 Cr.P.C. initiated at the behest of the applicant are pending in which the respondent-husband has already caused appearance.

In view of the above, the petition under Section 9 HMA is withdrawn from the Court of District Judge, Family Court, Ambala and transferred to the Court at Dera Bassi, Mohali wherein application under Section 125 Cr.P.C filed at the behest of the applicant is pending. The Court at Dera Bassi would fix both the proceedings under Sections 9 HMA and 125 Cr.P.C. on the same day in order to take care of inconvenience of the respondent/husband.

With the aforesaid observations, the petition stands disposed of.

(Rekha Mittal)
Judge

06.11.2017
mohan bimbra

Whether speaking/reasoned: Yes/No
Whether reportable : Yes/No