

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

**TA No.800 of 2015
Date of decision:30.3.2017**

Poonam

...Applicant

Versus

Sarabjit Sandhu

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr.Gursimran Singh, Advocate for the applicant.

RAMESHWAR SINGH MALIK, J. (Oral)

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 9 of the Hindu Marriage Act, 1955 ('the Act' for short) titled as Sarabjit Sandhu Vs. Poonam and others (Annexure P-1) and also the civil suit for mandatory injunction (Annexure P-2) from Hoshiarpur to Jalandhar.

Notice of motion was issued and in the meantime, further proceedings in the petition under Section 9 of the Act were stayed vide order dated 1.12.2015 passed by this Court.

When nobody put in appearance on behalf of the applicant on 9.1.2017, following order was passed by this Court:-

“As per office report dated 7.1.2017, learned counsel for the applicant has not taken appropriate steps to serve the unserved respondents. However, on written request, one more opportunity is granted, but it is made clear that if the applicant shall not take immediate appropriate steps to serve the unserved respondents before the next date of hearing, interim

order dated 1.12.2015 shall stand automatically vacated.

List on 14.2.2017.

Office is directed to inform learned counsel for the applicant about the order passed”.

Again on the next date of hearing, i.e. 14.2.2017, none came present on behalf of the applicant and the following order was passed by this Court:-

“When the case came up for hearing on 01.12.2015, following order was passed by this Court: -

“This is an application for transfer of the petition filed under Section 9 of the Hindu Marriage Act as well as a suit for mandatory injunction filed by the respondent-husband impleading twelve persons of the family of the wife.

Notice of motion, returnable by 28.04.2016.

Meantime, proceedings of the petition filed under Section 9 of the Hindu Marriage Act, shall remain stayed.”

Since the applicant was not taking due interest to effect service on the respondents, following order was passed on 25.10.2016: -

“Following report has been received from Registry: -

“Dasti notice collected by counsel has not been received back so far served or otherwise.”

Learned counsel appearing for petitioner may take necessary steps to effect service on un-served respondents, if any.

Adjourned to 9.1.2017.”

On the next date of hearing i.e. 09.01.2017, none appeared on behalf of the applicant and the case was adjourned for today, by passing the following order: -

“As per office report dated 7.1.2017, learned counsel for

the applicant has not taken appropriate steps to serve the unserved respondents. However, on written request, one more opportunity is granted, but it is made clear that if the applicant shall not take immediate appropriate steps to serve the unserved respondents before the next date of hearing, interim order dated 1.12.2015 shall stand automatically vacated.

List on 14.2.2017.

Office is directed to inform learned counsel for the applicant about the order passed.”

As per office report dated 13.02.2017, learned counsel has not taken any steps to serve the respondents despite having been duly informed by the office about the previous order dated 09.01.2017.

In view of the above, the abovesaid interim order dated 01.12.2015 passed by this Court is hereby vacated.

Office is directed to inform the learned Court below to proceed further with the matter, by sending a copy of this order.

However, in the interest of justice, one last and final opportunity is granted to the applicant to effect service on the respondents by way of dasti process as well as through their counsel before the learned trial Court, in addition to the ordinary process.

If learned counsel for the applicant files the process fee within a period of one week from today, let fresh notice be issued to the respondents for 30.03.2017.”

As per office report dated 28.3.2017, despite the last opportunity having been granted to the applicant, no process fee was filed by the learned counsel for the applicant, because of which no notice could be issued to the unserved respondent. In this view of the matter, it has become crystal clear that neither the applicant nor her counsel are interested in pursuing this transfer application any further. Numerous orders passed

by this Court have not been complied with.

In view of the above, present transfer application is hereby dismissed for non-compliance of the above-said orders passed by this Court.

30.3.2017
mks

(RAMESHWAR SINGH MALIK)
JUDGE

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