

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Transfer Application No.581 of 2014

Date of Decision: January 24, 2017

Preetika alias Jeenu

...Applicant

Versus

Harpreet Singh

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the applicant.

RAMESHWAR SINGH MALIK, J.(Oral)

Applicant-wife, by way of instant transfer application under Section 24 of the Code of Civil Procedure, seeks transfer of divorce petition under Section 13 (1) (a) of the Hindu Marriage Act, titled as “***Harpreet Singh vs. Preetika alias Jeenu***” filed by the respondent-husband from Bathinda to Moga.

Notice of motion was issued as far as back on 07.10.2014. However, respondent has not been served so far.

On 13.05.2016, when the case came up for hearing, following order was passed by this Court:-

“In this case, notice of motion was issued as far as back on 07.10.2014. Although, on the last date of hearing, applicant was granted one last and final opportunity to serve the respondent by way of dasti process as well as through his counsel before the learned trial Court adjourning the case today, yet learned counsel for the applicant did not collect dasti notice, as per office report dated 11.05.2015.”

In view of the above, although there is no justification in adjourning the case any further, yet in the interest of justice, one last and final opportunity is granted to the applicant to serve the respondent by way of dasti process as well as through his counsel before the learned trial Court.

However, it is made clear that if the service on the respondent is not effected before the next date of hearing, instant transfer application would be deemed to have been dismissed without any further reference to the Court.

List on 11.07.2016.”

Despite having been granted last and final opportunity at more than one occasions, applicant has not taken any appropriate steps to ensure service on the respondent.

On 11.07.2016, learned counsel for the applicant was allowed to effect service on the respondent through his counsel before learned trial Court. As per office report, dasti notice as well as notice issued to the respondent through his counsel has not been received back served or otherwise.

Today the case has been called twice, however neither anybody has come present to press this transfer application nor any request for pass over has been made. Since the period of more than two years has already been elapsed after issuing notice of motion, divorce petition itself might have been decided by learned Matrimonial Court because there was no interim order passed by this Court.

Neither applicant nor her counsel seems to be interested in pursuing the present transfer application.

In view of the above, transfer application is dismissed for non-prosecution.

January 24, 2017
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(RAMESHWAR SINGH MALIK)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>