

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

**TA No. 178 of 2017 (O&M)
Date of decision: 2.5.2017**

Pooja

...Applicant

Versus

Sunil Malhotra

...Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: None for the applicant.

RAMESHWAR SINGH MALIK, J. (Oral)

Applicant, by way of instant transfer application under Section 24 read with Section 151 of the Code of Civil Procedure (for short 'CPC'), seeks transfer of the petition under Section 9 of the Hindu Marriage Act, 1955) titled as Sunil Malhotra Vs. Pooja, filed by respondent husband from Rohtak to Jind.

Notice of motion was issued vide order dated 1.3.2017, which reads as under:-

“Heard.

Notice of motion for 31.3.2017.

Process dasti as well as through the counsel of respondent before learned court below, in addition to ordinary process.

In the meantime, learned court below is directed to adjourn the case beyond the date fixed before this Court.”

When the case came up for hearing on 31.3.2017, none appeared on behalf of the applicant and following order was passed by this Court:-

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“As per office report dated 29.3.2017, notice issued to the respondent has not been received back, served or otherwise.

In view of the above, let fresh notice be issued to the respondent for 2.5.2017.

Process dasti as well as through the counsel of respondent before the learned court below, in addition to ordinary process.

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

Interim order to continue.”

As per office report dated 29.4.2017, neither learned counsel for the applicant collected dasti notice, nor he supplied address of the counsel of respondent before the learned court below, because of which notice could not be issued. Office report also shows that in compliance of the abovesaid order dated 31.3.2017, learned counsel for applicant was duly informed.

Case called twice. Neither anybody has come present on behalf of the applicant to press this transfer application, nor any request for pass over has been made, which prima facie shows that applicant is no more interested in pursuing it.

In view of the above, instant transfer application is dismissed for non compliance of the abovesaid orders passed by this Court. However, in the interest of justice, liberty is granted to the applicant to file fresh transfer application, as and when necessity arises.

2.5.2017

AK Sharma

(RAMESHWAR SINGH MALIK)

JUDGE

Whether Speaking/reasoned : Yes/No

Whether Reportable : Yes/No