

In the High Court of Punjab and Haryana at Chandigarh

T.A. No. 617 of 2017

Date of Decision:28.7.2017

Deepika Kashaniya

---Applicant

vs.

Rakesh Kashaniya

---Respondent

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. Sandeep Goyat, Advocate
for the applicant

Rekha Mittal, J.

The applicant-wife prays for transfer of petition titled “Rakesh Kashaniya vs. Deepika Kashaniya” filed under Section 25 of the Guardian and Wards Act, 1890 pending in the Court of District Judge (Family Court), Hisar to any Court of competent jurisdiction outside District Hisar.

The sole contention raised by counsel for the applicant is that the respondent is continuously extending life threats to the applicant and her family members. On 27.3.2017, when the applicant and her father were standing outside the Court of District Judge (Family Court), Hisar, the respondent along with 2/3 persons threatened them with dire consequences and told that he has good links in that Court and every one is in his pocket.

Perusal of the averments raised in the petition would make it evident that the applicant lodged FIR No. 152 dated 6.3.2014 under Sections 498-A, 406, 506, 120-B/376/511 IPC at Police Station Civil Lines, Hisar against the respondent-husband. The trial culminated in a judgment of

acquittal passed by the Additional Sessions Judge-cum-Special Court for Heinous Crime against Women, Hisar vide judgment dated 17.11.2015. If the respondent or his father wanted to extend any threat, pendency of criminal proceedings at the behest of the applicant would have been the right occasion. It appears that as the trial culminated in a judgment of acquittal, feeling offended the applicant does not want the instant proceedings to continue in the Court of District Judge (Family court), Hisar. This apart, there is nothing on record to suggest that the applicant moved an application before the District Judge (Family Court), Hisar to express her grievance with regard to the alleged occurrence dated 27.3.2017.

For the foregoing reasons, application fails and is accordingly dismissed.

(Rekha Mittal)
Judge

28.7.2017
paramjit

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