

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

**CRM-M-38955-2016 (O&M)
Date of decision: 19.07.2018**

Mandeep Singh

...Petitioner

Versus

Aisha Rani

...Respondent

CORAM: HON'BLE MS. JUSTICE JAISHREE THAKUR

Present: Mr. R.V.S. Chugh, Advocate
for the petitioner.

Mr. Amandeep Saini, Advocate,
for the respondent.

JAISHREE THAKUR, J. (ORAL)

CRM-2731-2017

Learned counsel for the applicant-respondent seeks permission
to withdraw the instant application.

Dismissed as withdrawn.

CRM-M-38955-2016

This is a petition that has been filed under Section 407 Cr.P.C.
for transfer of the petition bearing No. COMA/59 dated 11.12.2015 under
Sections 12, 18, 19, 20, 22 and 23 of the Protection of Women from
Domestic Violence Act, 2005 titled as 'Aisha Rani vs. Mandeep Singh' from
the Court of Judicial Magistrate 1st Class, Anandpur Sahib, District
Rupnagar to a Court of competent jurisdiction at SBS Nagar.

Learned counsel for the petitioner contends that the petitioner

herein, who had solemnized a marriage with the respondent, filed a petition under Section 12 of the Hindu Marriage Act for annulment of marriage before the Addl. District Judge, Hoshiapur and the respondent filed a transfer application before this Court to transfer the case pending in the Court of Addl. District Judge, Hoshiapur to any Court of competent jurisdiction at Rupnagar.

It is contended that the High Court in Transfer Application No. 12 of 2016, transferred the said petition to SBS Nagar as it would be convenient to both the parties to attend proceedings there. The respondent filed a petition under Section 12 of the DV Act which is pending at Anandpur Sahib and the same ought to be transferred to SBS Nagar since the earlier case filed by the petitioner under Section 12 of the Hindu Marriage Act already stood transferred by the High Court by order dated 11.02.2016.

Per contra, learned counsel appearing on behalf of the respondent wife submits that the instant petition has been filed only to harass the respondent herein. It is stated that the respondent had filed an application for transfer of the petition filed under Section 12 of the Hindu Marriage Act from Hoshiapur to Rupnagar on account of the fact that the petitioner was a practicing Advocate at Hoshiarpur and it was jointly agreed that the petition under Section 12 of the Hindu Marriage Act be transferred to SBS Nagar as it would be convenient to both the parties to attend the proceedings there.

In the instant case, it is submitted that the respondent is

residing at Rupnagar where the petition under Section 12 of the DV Act has been filed. It is argued that there is no justification in transferring the matter to SBS Nagar as the petitioner, who is residing at Ward No. 4, Mohalla Dashmesh Nagar near Gurudwara Singh Sabha, Tanda, District Hoshiarpur would have to travel 120 KM which is equally distant from Tanda to Rupnagar, whereas the respondent would be put to a great inconvenience.

I have heard learned counsel for the parties and have also perused the pleadings of the case.

Admittedly, as per the case set up by the petitioner himself, he is a practicing Advocate at Hoshiarpur. It is on that account, the respondent sought a transfer of the petition under Section 12 of the Hindu Marriage Act to the court of competent jurisdiction so that the petitioner would not be in a position to influence the advocates and the proceedings therein. It was jointly agreed between the parties that the matter be taken up Rupnagar. Since the petitioner has to travel an equal distance, be it from Tanda to Rupnagar or Tanda to Anandpur Sahib, he would not derive any benefit from such transfer, whereas the respondent herein would be put to a great inconvenience.

In view of the above, no merit in the case is made out, the same is dismissed.

19.07.2018*Satyawan***(JAISHREE THAKUR)
JUDGE**

Whether speaking/reasoned
Whether reportable

Yes.
No.