

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

**CRM-M No.46199 of 2017 (O&M)
Date of decision : May 29, 2018**

Zoraver Singh Bundhel

..... Petitioner

Versus

Akanksha Sharma

..... Respondent

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present:- Mr. D.S. Sobti, Advocate for the petitioner.

Mr. Aman Pal and Ms. Aashna Gill, Advocates
for the respondent.

1. Whether the Reporters of local newspaper may be allowed to see the judgment ?
2. To be referred to the Reporter or not.
3. Whether the judgment should be reported in the digest ?

KULDIP SINGH J. (ORAL)

Petitioner seeks transfer of a petition filed under Section 12 of the Protection of Women from the Domestic Violence Act, 2005 from the Court of learned Judicial Magistrate 1st Class, Gurugram to the Court of learned Judicial Magistrate 1st Class at Chandigarh.

Reply filed on behalf of the respondent in the Court today is taken on record.

I have heard learned counsel for the parties and have also carefully perused the case file.

Learned counsel for the petitioner has pressed the four grounds on which he seeks transfer of the aforesaid petition.

First is that there is bias media at Gurugram. Therefore, he cannot get fair trial at Gurugram Courts.

The said contention is without any force. It is perception of the petitioner, which is unsubstantiated.

The next ground is that it is being inconvenient for the petitioner to go from Chandigarh to Gurugram Courts, where he is facing threats.

I am of the view that convenience of the petitioner is no ground to transfer the aforesaid petition. The petitioner has offered to the respondent and the witnesses the air travel tickets, if the aforesaid case is transferred to Chandigarh Courts. If it is so, the petitioner can also go by air to Gurugram, which is just adjoins the International Airport at New Delhi.

The third ground is that in the earlier round of litigation, the parties agreed to file a petition under Section 13-B of the Hindu Marriage Act, 1955, as coming out from the order of Hon'ble the Supreme Court. However, the respondent backtracked from the said commitment.

I am of the view that this itself is not a ground to transfer the aforesaid case from Gurugram Courts to Chandigarh Courts.

The fourth ground is that the respondent as per the allegations of the petitioner has shifted to New York and she is also working as actress at Bombay and keep shuttling between U.S.A. and Bombay and that there is a direct flight from Bombay to Chandigarh.

I am of the view that if it is so, a place near New Delhi is a proper place, which would be convenient to the respondent as well as the petitioner.

The ordinary jurisdiction of trial is at Gurugram Courts. The mere fact that three cases between the parties are already pending at Chandigarh Courts and two other cases are pending at Gurugram Courts, is no ground to transfer the aforesaid case from Gurugram Courts to Chandigarh Courts.

As such, the present petition is dismissed.

(KULDIP SINGH)
JUDGE

May 29, 2018
sarita

Whether speaking / reasoned	Yes
Whether Reportable:	No