

TA-1007-2017 (O&M)

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

**TA-1007-2017 (O&M)
Date of decision : 30.08.2018**

Shweta Mittal

... Petitioner

Versus

Sanjay Garg and another

... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Bhupinder Gupta, Advocate for
Mr. G.S. Madaan, Advocate
for the petitioner.

Mr. Dishant Rishi, Advocate for
Mr. Amit Goyal, Advocate
for respondent No.1.

AMIT RAWAL, J. (ORAL)

The present transfer petition has been filed under Section 24 of the Code of Civil Procedure for transfer of the petition under Section 9 of the Hindu Marriage Act, 1955 along with all subsequent proceedings arising thereof and Civil Suit bearing No.1005 of 2015 titled as “Sanjay Garg V/s Shweta Mittal”, stated to be pending at Patiala and Rajpura.

Learned counsel for the petitioner submitted that the marriage between the parties was solemnized on 11.12.2010 in a simple manner as it was a second marriage of both the parties. Subsequent to filing of the aforementioned petition, the petitioner had filed two petitions one under Section 125 of the Code of Criminal Procedure and second under Section 12 of the Domestic Violence Act, in the month of September 2017. Father of the petitioner had died and she has no means to appear in the Court at

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Patiala. Even an FIR No.144 dated 03.11.2016 (Annexure P-8) has been registered against the husband at Jalandhar and is pending adjudication, therefore, it is a fit case for transfer of the petition.

On the other hand, learned counsel for the respondent No.1 submitted that the petitioner has been appearing in Patiala in the aforementioned matters. No reasonable cause has been given for transfer of the petition, thus, urges this Court for dismissal of the present transfer application.

I have heard learned counsel for the parties, appraised the paper book and of the view that there is no force and merit in the submissions of Mr. Gupta, for, concededly the petitions under Section 9 of the Hindu Marriage Act (Annexure P-1) and under Guardians and Wards Act, are pending adjudication at Patiala and one Civil Suit bearing No.1005 of 2015 titled as “Sanjay Garg V/s Shweta Mittal” at Rajpura. Petitions under Section 125 of Cr.P.C and under Section 12 of the Domestic Violence Act have been filed post receipt of the summons, in the aforementioned cases. No doubt FIR, aforementioned, is pending adjudication at Jalandhar, but I am of the view that distance between Patiala and Jalandhar is not far away keeping in view the fact that over a period of time, the commutation between the towns and various other cities of the States of Punjab and Haryana have become more convenient owing to widening and setting up of four-lane highways. Inconvenience cannot be a ground for transfer of the petition until and unless certain circumstances of threat perception to the liberty and life is extended. No such averment or argument, in this regard, has been made.

Keeping in view the aforementioned facts, I do not find it a fit case for transfer of the aforementioned cases.

The transfer application is dismissed.

30.08.2018
Yogesh Sharma

(AMIT RAWAL)
JUDGE

	✓
Whether speaking/reasoned	Yes/ No
	✓
Whether Reportable	Yes/ No