

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.1074 of 2017(O&M)

Manju and another .. Petitioners

vs.

Gulshan Kumar .. Respondent

AND

TA No.130 of 2018(O&M)

Manju .. Petitioners

vs.

Gulshan Kumar .. Respondent

Date of decision:- 24.09.2018

Coram: **Hon'ble Mr. Justice Harinder Singh Sidhu**

Present:- Mr. Pawan Kumar, Senior Advocate with
Mr. Rohit Kumar, Advocate
for the petitioners.

Mr. S.S. Sodhi, Advocate
for the respondent.

Harinder Singh Sidhu, J.

This order shall dispose of two Transfer Applications bearing
No.1074 of 2017 and 130 of 2018 filed by Manju-wife against Gulshan
Kumar-husband.

In TA No.1074 of 2017, transfer of petition under Hindu
Minority and Guardianship Act, 1956 read with the provisions of Guardians
and Wards Act, bearing No.GW-Filing No.65/2017 titled as 'Gulshan
Kumar vs. Mahirveer', is sought.

In TA No.130 of 2018, transfer of petition under Section 9 of the Hindu Marriage Act, bearing case type HMA, No.196/2007 titled 'Gulshan Kumar vs. Manju', is sought.

Both the aforesaid petitions, filed by the respondent-husband, which are pending in the Court of learned Civil Judge (Senior Division), Chandigarh, are sought to be transferred to a court of competent jurisdiction at Patiala.

It is the case of the petitioner that the marriage between petitioner No.1 and the respondent was solemnized on 10.02.2012 at Patiala according to Sikh rites. A son, petitioner No.2-Mahirveer was born to them. From the very beginning, the respondent and his family members harassed and maltreated petitioner No.1 on account of demand of dowry. Ultimately, the respondent deserted petitioner No.1 on 14.04.2017, leaving her with no other option but to return to her parental home. Since then, she is residing with her parents at Patiala alongwith her minor son, who is presently aged about 4 years.

Petitioner No.1 has filed a criminal complaint bearing No.COMP/7799/2017 under Sections 420, 324, 506, 406, 498-A read with Section 34 IPC, which is pending before learned Judicial Magistrate Ist Class, Patiala. She has also filed a complaint under Sections 12(1), 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 against the respondent and his family members, which is pending before learned Chief Judicial Magistrate, Patiala. A petition under Section 125 Cr.P.C. for maintenance is pending in the Court of learned JMJC, Patiala. The parents of petitioner No.1 are old and they are not having good health. The brother of petitioner No.1 is not residing with her parents.

There is no one in the family to accompany her for attending the court proceedings at Chandigarh which is at a distance of about 70 km. from Patiala. Further more, her minor son is studying in Ryan International School, Patiala in Nursery class.

Earlier the matter was referred to the Mediation and Conciliation Centre of this Court to explore the possibility of settlement. However, it was not successful.

Learned counsel for the respondent states that the respondent is still willing to settle the disputes with the petitioner. Respondent is also present in the Court and affirms as much. However, at this stage, the petitioner has shown no inclination in that direction.

Considering the facts and circumstances of the case, the petitions are allowed.

The petitions - one under the Hindu Minority and Guardianship Act, 1956 read with the provisions of Guardians and Wards Act, 1890 bearing No.GW-Filing No.65/2017 titled as 'Gulshan Kumar vs. Mahirveer', and another under Section 9 of the Hindu Marriage Act, 1955 bearing case type HMA, No.196/2007 titled 'Gulshan Kumar vs. Manju', filed by the respondent-husband, which are pending in the Court of learned Civil Judge (Senior Division), Chandigarh, are withdrawn from the said Court and transferred to Patiala. The District Judge, Patiala may assign the same to a Court of competent jurisdiction.

Learned counsel for the respondent states, with the transfer of the present two cases to Patiala there would be five cases in which the respondent would be appearing in different Courts at Patiala. The respondent

is a doctor and his professional commitments are demanding. He prayed

that as far as possible the cases be listed on same date.

The respondent may make an application before the concerned trial Courts to accommodate the hearings, as far as possible for the same date.

September 24, 2018

**(HARINDER SINGH SIDHU)
JUDGE**

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Whether Speaking / Reasoned	Yes
Whether Reportable	Yes / No