

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

106

Date of Decision : 29.11.2018

TA No.607 of 2018 (O&M)

Reena Petitioner

Versus

Kishore Kumar Respondent

CRM-M No.47998 of 2018 (O&M)

Kishore Petitioner

Versus

Reena Respondent

CRM-M No.36810 of 2018 (O&M)

Kishore Petitioner

Versus

Reena Respondent

CRM-M No.36686 of 2018 (O&M)

Kishore Petitioner

Versus

Reena Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. Manoj Chahal, Advocate
for the petitioner (TA-607-2018).

Mr. Rakesh Sharma, Advocate for
Mr. Vikram Singh, Advocate
for respondent (TA-607-2018)
for the petitioner (CRM-M No.47998, 36810 and
36686 of 2018).

AJAY TEWARI, J. (ORAL)

By this common order, I am deciding all these cases since they are between the same parties.

TA No.607 of 2018 has been filed under Section 24 CPC to transfer the petition under Section 9 of the Hindu Marriage Act, 1955 titled Kishore Kumar Vs. Reena and under Section 25 of Guardian and Wards Act filed by the respondent against the petitioner which is pending before the Principal District Judge (Family Court), Karnal to the competent Court at Bhiwani.

CRM-M-47998 of 2018 has been filed under Section 407 read with Section 482 Cr.P.C. for transfer of the trial arising out of FIR No.271 of 2018, dated 16.05.2018 under Sections 323, 34, 406, 498-A, 506 IPC 1860, P.S. Bhiwani City, District Bhiwani from the Court of JMIC, District Bhiwani to any Court of competent jurisdiction in any district.

CRM-M-36810 of 2018 has been filed under Section 407 read with Section 482 Cr.P.C. for transfer of case bearing complaint No.24 dated 20.01.2018 titled as Reena and others Vs. Kishore i.e. petition under Section 125 Cr.P.C. from the Court of learned District Judge Family Court Bhiwani to any Court of competent jurisdiction in any district.

CRM-M-36686 of 2018 has been filed under Section 407 read with Section 482 Cr.P.C. for transfer of case bearing complaint No.1682 dated 14.02.2018 titled as Reena Vs. Kishore i.e. petition under Section 12 of Protection for Women from Domestic Violence Act, 2005 from the Court of JMIC Bhiwani to any Court of competent jurisdiction in any district.

The ground taken by counsel for the applicant in transfer application is that some cases are pending at Bhiwani.

Counsel for the respondent states that actually the respondent is facing lot of prejudice while prosecuting the cases at Bhiwani and that he appreciates the difficulty of the applicant but the matter may be transferred to some other district. He further prays that the three criminal cases at Bhiwani be also transferred to the various competent Court/s at Charkhi Dadri.

Counsel for the applicant states that if the matter is transferred to District and Sessions Judge, Charkhi Dadri, the husband should pay the travel expenses to the wife on every date of hearing. I find this to be a fair request.

It is made clear that every time the appellant has to go to Charkhi Dadri to attend the Court hearing, the respondent-husband would have to pay Rs.500/- as travel expenses for every visit. The respondent-husband has agreed to this.

Counsel for the respondent-husband states that respondent-husband is willing to bear the travel expenses which the applicant may

have to incur for those hearings when her presence is required before the Trial Court.

In my opinion, the respondent can not determine when and how often the applicant wants to attend the hearing and it is directed that he would be liable to pay Rs.500/- for every visit which the applicant may make to attend the hearing. Consequently, the respondent is directed to deposit a sum of Rs.2,000/- with the trial court. This would take care of 4 visits which the applicant may have to make and after those visits the respondent would similarly deposit the same amount again and would undertake to do so till the conclusion of the hearing. It is clarified that in case the applicant attends more than one case on a particular date she would be entitled to only one amount of Rs.500/- for that visit.

Let the record be sent to the Sessions Court of Charkhi Dadri. Parties through counsel are directed to appear on before the District and Sessions Judge, Charkhi Dadri on 27.12.2018. The officer may either decide the case himself or assign it to any Court of competent jurisdiction.

The applications stand disposed of in the above terms.

Since the main cases have been decided, the pending civil miscellaneous applications, if any, also stand disposed of.

29.11.2018

pooja sharma-I

Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No

(AJAY TEWARI)
JUDGE