

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

109

TA-722-2018 (O&M)
Date of Decision : 19.11.2018

Rajni @ Rajni Jain

..... Applicant

Versus

Satish Kumar

..... Respondent

CORAM : HON'BLE MR.JUSTICE AJAY TEWARI

Present :- Mr. P.K.S. Phoolka, Advocate
for the applicant.

Mr. Ankit Bishnoi, Advocate for
Mr. Kirat Pal Dhaliwal, Advocate
for the respondent.

AJAY TEWARI, J. (Oral)

This application has been filed for transferring the divorce petition filed under Section 13 of Hindu Marriage Act, 1955, by the respondent-husband at Sirsa to a competent Court in Bathinda.

Learned counsel for the applicant states that apart from the fact that the applicant has three minor children, another petition under Section 125 Cr.P.C. was filed by the applicant at Bathinda which has since been allowed ex-parte.

Learned counsel for the respondent states that he is not aware about those proceedings and would like to challenge the same. Counsel for the applicant further states that in any case, the respondent would have to come to Bathinda to prosecute that case also.

On the other hand, learned counsel for the respondent further states that the respondent had filed criminal case against the applicant, her brother and other persons, which is pending at Sirsa and as per him, once, all of them have to come to Sirsa, the applicant can well defend the divorce case at Sirsa also. He further states that the criminal case at Sirsa relates to assault made by the applicant and her family members. He states that the respondent has apprehension that they may attack him if he goes to Bathinda.

In my opinion, it would be appropriate if the present case in dispute i.e. petition under Section 13 of Hindu Marriage Act, 1955 titled as “Rajni @ Rajni Jain vs. Satish Kumar” is transferred to a Competent Court at Mansa. Let the record of the case be sent from the trial Court at Sirsa to the Court of District Judge, Mansa who may either decide it himself or mark at any other appropriate Court.

Parties through counsel are directed to appear before the said Court on 17.12.2018.

Learned counsel for both the parties are at liberty to move applications for transferring the cases pending against them at Sirsa or Bathinda to the competent Court at Mansa, so that the entire litigation between the parties is conducted at Mansa.

In the circumstances, the petition is disposed of.

Since the main case has been decided, the pending Civil Miscellaneous Application, if any, also stands disposed of.

19.11.2018
anju rani

(AJAY TEWARI)
JUDGE

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No