

CRM-M-2980-2019

Shelja and another vs. Rajinder Bajaj

It has been brought to my notice that inadvertently in the final order dated 08.04.2019, TA No.2980 of 2019 has been written in place of CRM-M-2980-2019. The same has been marked as incorrect. Let the corrected order be uploaded on the website after deleting the earlier one.

30.04.2019
dinesh

(Raj Shekhar Attri)
Judge

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

CRM-M No. 2980 of 2019(O&M)

Date of decision:- 08.04.2019

Shelja and another .. Petitioners
vs.
Rajinder Bajaj .. Respondent

Coram: Hon'ble Mr. Justice Raj Shekhar Attri

Present:- Mr.R.S. Longia, Advocate
for the petitioners.

None for the respondent.

Raj Shekhar Attri, J.

Petitioner No.1-wife has filed the present petition for transfer of complaint No. 283/2017 filed by the petitioners against the respondent under Sections 12, 19, 20, 22 and 23 of Protection of Women from Domestic Violence Act, 2005, titled as 'Shelja and another vs. Rajinder Bajaj' (Annexure P-1), pending in the Court of learned Judicial Magistrate, UT Chandigarh to a Court of competent jurisdiction at Kurukshetra.

It is the case of the petitioners that the marriage between petitioner No.1 and the respondent was solemnized on 21.02.1992 at Sector 41-D, Chandigarh. Soon after the marriage of petitioner no.1 with the respondent, she found that he was heavy drinker, chain smoker, suspicious nature and an aggressive person.

Learned counsel for the petitioners has argued that earlier petitioner no.1 as well as his daughter was staying at Chandigarh in the house of the respondent and they have been thrown out from there by the respondent in the month of March, 2018. They are now residing at Kurukshetra. It is further argued that the connected T.A. No. 44 of 2019, filed by petitioner No.1 against the respondent for transfer of petition filed

under Section 13 of the Hindu Marriage Act, 1955, pending in the Court of learned Additional District Judge, UT Chandigarh has already been transferred to Kurukshetra, by a co-ordinate Bench vide order dated 04.04.2019. He further argued that it would be difficult for petitioner no.1 alongwith her minor daughter to travel from Kurukshetra to Chandigarh to attend the dates of hearing in the Court there.

Notice of the present petition was given to the respondent, who as per office report, has been duly served but has not turned up.

I have heard learned counsel for the petitioners.

Keeping in view the averments in the petition and submissions made by learned counsel for the petitioners as well as the fact that the petition filed by the petitioner No.1 under Section 13 of the Hindu Marriage Act, 1955 before learned Additional District Judge, UT Chandigarh has already been transferred by a co-ordinate Bench of this Court, vide order dated 04.04.2019, I find merit, in absence of any strong circumstance to the contrary, it would be proper and appropriate, if the petition is accepted. The same is accordingly allowed. The petition in question is ordered to be withdrawn from the Court of Judicial Magistrate, UT Chandigarh and transferred to learned Chief Judicial Magistrate, Kurukshetra, who may assign it to any competent Court. Copies of orders be sent to both the Courts for information and necessary compliance.

08.04.2019
dinesh

(Raj Shekhar Attri)
Judge

Whether speaking/reasoned
Whether Reportable:

Yes/No
Yes/No