

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

TA-196-2019 (O&M)

Shruti Bedi

...Applicant

Versus

Amandeep Singh

...Respondent

TA-183-2019 (O&M)

Shruti Bedi

...Applicant

Versus

Amandeep Singh and another

...Respondent

CRM-M-10764-2019 (O&M)

Shruti Bedi

...Petitioner

Versus

Amandeep Singh

...Respondent

Date of decision: 03.05.2019

CORAM: HON'BLE MR.JUSTICE H.S. MADAAN

Present: Mr. Naveen Sharma, Advocate for
Mr. Kamal Narula, Advocate for the applicant.

Mr. R.V.S. Chugh, Advocate
for respondent-Amandeep Singh.

H.S. MADAAN, J. (Oral)

By this order, I shall dispose of three applications filed by
applicant Shruti Bedi against her husband Amandeep Singh, the
respondent, seeking transfer of three cases pending between them in

various Courts at Hoshiarpur. Transfer Application No.183-2019 is with regard to transfer of divorce petition titled 'Amandeep Singh Vs. Shruti Bedi and another', pending in the Court of District Judge, Hoshiarpur, Transfer Application No.196-2019 is with regard to transfer of petition under Sections 7, 8, 9 and 12 read with Section 25 of Guardian and Wards Act, for the custody of minor son, pending before Civil Judge (Sr. Divn)-cum-Guardian Judge, Hoshiarpur and petition No.CRM-M-10764-2019, under Section 407 read with Section 482 Cr.P.C. for transfer of petition under Section 125 Cr.P.C., pending in the Court of Judicial Magistrate 1st Class, Hoshiarpur to the Courts of competent jurisdiction at Jalandhar or Amritsar.

According to the applicant, she got married with respondent on 08.11.2011 at Hoshiarpur. The couple was blessed with a son, namely, Master Khushmeet Singh, born on 05.08.2012, presently in the custody of respondent. On account of matrimonial discord between the spouses, allegedly for the reason of demand of dowry by respondent and his family members from the applicant, the applicant was made to leave the matrimonial home and to go to her parental place. She was in family way at that time. She delivered a male child at her parental house. The respondent has filed the divorce petition against her by levelling false allegations of adultery, whereas, the applicant has filed a petition for getting the custody of minor son, besides filing another petition under Section 125 Cr.P.C. against the respondent. All the three cases are pending in various Courts at Hoshiarpur; that respondent is a practising

Advocate at District Courts Hoshiarpur and due to that reason, no Advocate is ready to contest the cases against the respondent. Brother in-law of the applicant is an Advocate at District Court, Ludhiana who comes to Hoshiarpur to attend the dates of hearing; that both the applicant and respondent are residing at Hoshiarpur; that the applicant is dependent upon her parents, having no source of income. Therefore, the cases be transferred, as prayed for, in the applications.

The applications are being resisted by the respondent. In the written reply filed by him, he has denied the material assertions in the applications, contending that the divorce petition is at the fag end. After conclusion of evidence by the answering respondent, who is petitioner in the divorce petition, two witnesses have been examined on behalf of the present applicant; that marriage between the applicant and answering respondent was culmination of a love affair, therefore, there could not be any reason to demand of any dowry. It is further contended that there are serious allegations of adultery against the applicant. The case of the respondent is that the present applicant is being represented by two counsel at Hoshiarpur. The respondent is a handicapped person and it would be inconvenient for him to go to a place outside Hoshiarpur, if the cases are transferred there.

I have heard learned counsel for the parties besides going through the record and I find that all the three applications are doomed for failure. As per copy of handicapped certificate placed on file by the respondent, that certificate is shown to have been issued by the office of

Civil Surgeon, Hoshiarpur on 11.08.1997 and the respondent is shown to be suffering from Polio of both legs and permanent disability is assessed at 85%. It being so, it would indeed be difficult for the respondent to undertake travelling, so as to attend the dates of hearings in the cases, if they are transferred outside Hoshiarpur. The applicant herself is residing at Dasuya, District Hoshiarpur. Her apprehension that since the respondent is a practising Advocate and he may interfere in the judicial proceedings is totally misconceived and without basis. No person, not even a practising Advocate, howsoever, senior or leading, can dare to interfere in judicial proceedings. Therefore, merely for the reason that the respondent is a practising Advocate at District Courts Hoshiarpur, cannot lead to the inference that he can interfere in the judicial proceedings to the detriment of the applicant. I do not see any reason to accept the applications and transfer the cases as prayed for by the applicant. Accordingly, the same stand dismissed.

03.05.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No