

1.

CRM-M-18539-2017

Date of Decision : 19.08.2019

Pinki and another

.....Petitioners

versus

Kuldeep

....Respondent

2.

CRM-M-19857-2017

Date of Decision : 19.08.2019

Pinki

.....Petitioner

versus

Kuldeep and others

....Respondents

CORAM : HON'BLE MR. JUSTICE FATEH DEEP SINGH

Present: Mr. Tarun Singh, Advocate
for the petitioners.

Mr. Ripu Daman, AAG, Haryana.

FATEH DEEP SINGH, J.

Mr. Neeraj Sheoran, Advocate puts in appearance on behalf of

respondent No.3 and filed memorandum of appearance which is taken on record.

Both these petitions under Section 407 of the Code of Criminal Procedure, 1973 have come about by the same very petitioner-Pinki, seeking transfer of applications filed under Sections 12, 17, 18, 19, 20 and 22 of the Protection of Women from Domestic Violence Act, 2005 (pertaining to petition bearing No. CRM-M-19857-2017) and another proceedings initiated under Section 125 of the Code of Criminal Procedure (pertaining to petition bearing No. CRM-M-18539-2017) seeking grant of maintenance allowance. Since, both these matters are based on the same very grounds that the applicant/petitioner has changed her residence from Faridabad to her parental village in District Hisar, as such, the proceedings in both the matters be transferred to the competent Court or Sessions Division, Hisar (Haryana).

Though, Mr. Neeraj Sheoran, Advocate appeared on behalf of respondent No.3 and filed memorandum of appearance but did not file any reply.

Upon hearing the counsel for the two sides and as is there on the records, admittedly, both the proceedings under the Protection of Women from Domestic Violence Act, 2005 as well as under Section 125 Cr.P.C. were filed by the present petitioner-Pinki showing her address of Faridabad and which were initiated way back in the year 2013. Now, the applicant/wife claims that she has shifted her residence to Hisar and, therefore, on account of great distance between her place of living and the

place where the proceedings are pending, necessitates, transfer of the matters to enable her to pursue her legal recourse.

Going through the submissions, it is the own stand of the applicant/wife taken in the application filed under the Protection of Women from Domestic Violence Act, 2005 that the respondent, in that application, who happens to be none but the husband and his family members, not to interfere with the portion of the house possessed by the applicant/wife and, therefore, by all means, invariably, accepts that she is residing in Faridabad. More so, there is no categoric stand of the applicant/petitioner, as and when and by what means, she has shifted to, so claimed new address, regarding which, she has not even placed on record any documentary proof to substantiate and corroborate her averments. Thus, what one can deduce that the present transfer applications are nothing but a clever device to ensure that the proceedings which are already underway, since the year 2013, are transferred, so as to cause harassment and humiliation to the respondents as an act of vengeance and revenge. From the pleadings or the submissions of the applicant/petitioner's side, nothing is highlighted which could certainly be a cause for bestowing upon the petitioner's legitimacy to her claim for transfer of the matters.

This Court does not feels inclined to allow the applications and, therefore, both the applications stand dismissed. However, taking note of the fact that matters are lingering since the year 2013, necessitates, issuance of directions to both the Courts below where these matters are pending to expedite the same by giving short adjournments and ensure they are

disposed off preferably within a period of one month from the date of receipt of the copy of this order.

The petition stands dismissed accordingly.

19.08.2019

Neha

**(FATEH DEEP SINGH)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No