

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

TA-709-2019 (O&M)
Date of decision: 30.08.2019

Sonia

...Applicant

Versus

Nisha

...Respondent

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

Present: Mr. J.S. Cooner, Advocate for the applicant.

H.S. MADAAN, J. (Oral)

Applicant Sonia, aged about 26 years, wife of Chander Bhan, presently residing at Village Tandwali, Tehsil Barara, District Ambala, by way of filing the present application, seeks transfer of suit for recovery and damages, filed by respondent Nisha against her, pending in the Court of Addl. Civil Judge (Sr. Divn.), Bilaspur, District Yamuna Nagar at Jagadhri to the Court of competent jurisdiction at Ambala City.

As per version of the applicant, she is residing separately from her husband Chander Bhan, on account of matrimonial discord between the parties. Her husband had filed a divorce petition before Family Court at Ambala which was dismissed and its appeal is pending admitted in this Court. Some other connected litigation are also pending in Courts at Ambala. In order to harass the applicant, her husband has got filed the civil suit by his Bhabhi Nisha for recovery and damages on the basis of pleas taken in the divorce petition by the applicant as a

respondent filed by her husband in Family Court at Ambala; that no cause of action has arisen to the respondent to file suit at Bilaspur. Therefore, the application be allowed and the civil suit be transferred to Court of competent jurisdiction at Ambala.

I have heard learned counsel for the applicant besides going through the record and I find that there is no merit in the application. If the applicant feels that no cause of action had arisen to respondent, who is plaintiff in the civil suit to file suit in Court at Bilaspur, District Yamuna Nagar at Jagadhri, she is free to move an application under Order 7 Rule 10 CPC in the trial Court in that regard, which could be decided as per law by the trial Court. The nature of the proceedings sought to be got transferred is in the form of civil suit, where personal appearance of the parties is not required and they can appear through counsel or authorized agent. For that matter, the respondent is also a woman, therefore, no ground is made out to allow the instant application and transfer the civil suit from the trial Court at Bilaspur, District Yamuna Nagar at Jagadhri to Court of competent jurisdiction at Ambala. Finding no merit in the application, the same stands dismissed.

30.08.2019

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(H.S. MADAAN)
JUDGE

Whether speaking/reasoned :

Yes No

Whether Reportable :

Yes No