

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

T.A. No. 652 of 2018

DATE OF DECISION :- April 10, 2019

Gulshan Mehta

...Applicant

Versus

Data Pandhi

...Respondent

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

Present:- Mr. B.S. Sewak, Advocate for the applicant.

Mr. SPS Aulakh, Advocate for the respondent.

By way of filing the present application, applicant Gulshan Mehta seeks transfer of civil suit titled 'Data Pandhi Vs. Gulshan Mehta' pending in the Court of Civil Judge (Sr. Division), Ludhiana to the Court of competent jurisdiction at Chandigarh or SAS Nagar, Mohali.

As per case of the applicant, she was married with respondent on 23.4.1995, however, respondent started living in adultery and converted to Islaam contracting second marriage with Manjit Kaur @ Razia. The applicant has given birth to a daughter from loins of respondent on 21.7.1997, who is studying at Chandigarh. The applicant had purchased a plot with her funds, however, half share in the plot was registered in the name of respondent. The respondent wanted to sell his share and has filed a civil suit for partition in the Court at Ludhiana. When the applicant went to Ludhiana to attend the dates of hearing in the Court there then respondent asked her to withdraw the litigation threatening that otherwise she would be eliminated. The applicant had moved an application to

SHO Police Station Kotwali, Ludhiana. She has filed a complaint under Sections 494, 406, 498A and 506 IPC against the respondent which was dismissed on 20.1.2018 by JMIC, Chandigarh against which order she has filed Criminal Revision to the Court of Sessions which is pending. The applicant being a young woman, residing with her unmarried daughter, it is difficult for her to travel from Chandigarh to Ludhiana to attend the dates of hearing in the Court there covering a distance of about 120 kms by road, therefore, the application be accepted.

Notice of the application was given to the respondent, who put in appearance through counsel and is opposing the application vehemently.

I find that there is no merit in the application. The proceedings are of civil in nature, where personal appearance of the applicant on each and every date of hearing is not necessary. She can engage a counsel who can represent her. As far as her apprehension of physical harm at the hands of respondent, as per her own version she has submitted a written complaint in that regard to the police. However, if respondent persists in doing so, she can take legal action against him in accordance with law by reporting the matter to the police or to the Court concerned. However, no ground for transferring of the case is made out.

The application stands dismissed.

(H.S. MADAAN)
JUDGE

April 10, 2019
p.singh

Whether speaking/reasoned

Yes/No

Whether Reportable

Yes/No