

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

TA-512-2021 (O&M)

Date of decision: 17.08.2021

Jyoti and others

...Petitioners

Versus

Rashmi

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. K.B.Raheja, Advocate for the petitioners

Mr. N.K.Malhotra, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

Through this application, the petitioners pray for transfer of proceedings in a civil suit no. 457 of 2021 titled as 'Rashmi vs. Jyoti and others' pending in the Court of Civil Judge (Junior Division), Ambala to the court of competent jurisdiction at Ferozepur.

Petitioner no. 1 is the sister-in-law of respondent (plaintiff). Smt. Rashmi (plaintiff) has filed a suit for damages/compensation on account of malicious prosecution by allegedly getting a FIR registered against her under Section 498-A, 406, 34 IPC at Women Police Station, Ferozepur City. The petitioners claim that the jurisdiction to file such suit lies in the District Court at Ferozepur. She further claims that she alongwith her daughter were turned out from the matrimonial home on 13.08.2013 and since then, she is now residing with her parents at Ferozepur. It is further claimed that the petition under Section 125 Cr.P.C is also pending at Ferozepur. Petitioner no.1 has also filed a

petition under Section 11 of the Hindu Marriage Act, 1955, which is pending in the court of District & Sessions Judge, Ferozepur.

The distance between two places is stated to be 230 kms. Petitioner no.1 is residing with her 6 years old daughter at Ferozepur. The aforesaid two cases are already pending at District Court, Ferozepur.

Keeping in view the aforesaid facts, the transfer application is allowed. It is directed that the proceedings in the civil suit no. 457 of 2021 titled as 'Rashmi vs. Jyoti and others' pending in the Court of Civil Judge (Junior Division), Ambala be transferred to the court of competent jurisdiction at Ferozepur. The transferor court is directed to remit the file of the case to the transferee court forthwith. The parties through their counsel are directed to appear before the Civil Judge (Senior Division), Ferozepur on 03.09.2021.

All the pending miscellaneous applications, if any, are also disposed of.

17.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE