

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

204

TA No.404 of 2020
DATE OF DECISION : 18th JANUARY, 2021

Reena Kumari

.... Petitioner

Versus

Prem Devi & another

.... Respondents

CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT

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In virtual Court
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Present : Mr. Ullas Kapoor, Advocate for the petitioner.
 Mr. Amit Kumar Jain, Advocate for respondent No.1.
 None for respondent No.2.

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RAJBIR SEHRAWAT, J. (Oral)

The present petition has been filed by the petitioner under Section 24 of the CPC 1973 for transferring the case No.CS/521/2020 (Annexure P-2) CNR No. HRJN020006302020 titled as Prem Devi Vs. Smt. Reena Kumari and another, from the court of Civil Judge (Junior Division), Jind Haryana and its entrustment to any other Court of competent jurisdiction at Chandigarh, SAS Nagar-Mohali or Panchkula.

The counsel for the petitioner has submitted that the petitioner had to file the present petition seeking transfer of the civil suit because of the fact that the petitioner has performed marriage against the wishes of her family. Therefore, if the petitioner goes to attend the proceedings at Courts at Jind, then she apprehends threat to her life.

Hence, the civil suit be ordered to be transferred as prayed for by the

petitioner. To substantiate her assertion qua threat, the counsel for the petitioner has pointed out that the petitioner had even preferred a petition before the Sessions Judge, Jind, for seeking protection to her life and liberty.

On the other hand, the counsel for respondent No.1 submits that the suit has rightly been filed at Jind. The property in dispute is situated at Jind, Haryana. In ordinary course, it is the court at Jind only which shall have the jurisdiction to try the suit. So far as the threat to the life and liberty of the petitioner, is concerned, it is submitted by the counsel for respondent No.1 that respondent No.1 herself is a widow lady having one son, who is a student. Therefore, the respondent does not have either any intention or any means to threat the petitioner qua her life and liberty. The petitioner has contracted marriage as per her choice, therefore, she is free to reside at the place of her choice. However, that cannot be made a ground for transfer of the petition from a court of competent jurisdiction. It is further submitted that, otherwise also, the petitioner has already been granted protection by the order passed by the court of District and Sessions Judge, Jind. Hence, the said, alleged threat no more survives. It is also submitted that the petitioner does not have any claim qua the property in dispute. The plot in question was purchased by the father-in-law of respondent No.1. It was only out of love and affection that the said plot was temporarily transferred in the name of the petitioner as a family matter. Besides this, the father-in-law of respondent No.1 had also deposited an amount of ₹20 lacs in the name of the present petitioner. Hence, the petitioner cannot be heard to say that she is facing problem in attending the courts at Jind.

Having heard the counsel for the parties, this court does not find any ground to transfer the Civil Suit from the competent court of jurisdiction at Jind to any other place. Needless to say that respondent No.1 is mother of the petitioner. As it has been submitted by the counsel for the respondent No.1, and has not even denied by the petitioner, the respondent is a widow lady. Therefore, she would not be in a position to threaten the petitioner, at least, qua conduct of the proceedings at the court of competent jurisdiction. Otherwise also, the aspect of threat to the life and liberty of the petitioner has already been considered by another court of competent jurisdiction and the necessary orders have already been passed in that regard. Therefore, the said issue, in the opinion of this court, is no more relevant qua court proceedings pending at Jind. However, this court refrains from making any observations qua the submissions of the counsel for the respondent No.1 regarding ownership and transfer of the property.

In view of the above, finding no merit in the present petition, the same is dismissed.

18TH JANUARY, 2021
'raj'

(RAJBIR SEHRAWAT)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>	<i>No</i>
<i>Whether Reportable:</i>	<i>Yes</i>	<i>No</i>