

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

207-A

TA No.565 of 2020

Decided on : 23.02.2021

Shashi Bala

... Petitioner

Versus

Ashish

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Karan Bhardwaj, Advocate for
Mr. Pankaj Mehta, Advocate for the petitioner.

Mr. Vivek Aggarwal, Advocate for the respondent.

(The proceedings are being conducted through
video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition has been filed by the petitioner-wife for transferring the divorce petition filed under Section 13 of the Hindu Marriage Act, 1955 from the Court of Principal District Judge (Camp Court), Hansi to the Court of competent jurisdiction at Faridabad.

The ground taken for transfer is that the petitioner is working at Faridabad and looking after her minor child and, therefore, unable to travel from Faridabad to Hansi. The cases of Covid-19 which are increasing day by day was also a ground as such to file the present petition.

The said application has been resisted by the counsel for the respondent-husband, who has tabulated 10 cases which are pending at one stage *inter se* the parties at Hansi or Hisar the District Headquarter, in the reply filed. It is not disputed that out of the said 10 cases, 5 are still pending within Hisar District. The list of the said cases read as under:-

Sr. No.	Case Type/ FIR/ Year and Instituted by	Title	Tried before	Present Status
1.	FIR No.614 dated 12.07.2013 u/s 498-A, 406, 506, 323, 34 IPC (Instituted by Pet.-wife)	State of Haryana Vs. Ashish & Ors.	PS City Hansi (Hisar)	Cancellation filed by DSP, Hansi before the illaqa Magistrate, Hansi on 21.06.2014
2.	No. CHI/3494/2013 FIR No.614/2013 (Instituted by Pet.-wife)	State of Haryana Vs. Ashish & Anr.	Ld. SDJM, Hansi (Hisar)	All proposed accused discharged from the Court of Ld. SDJM, Hansi vide Order dated 27.02.2015.
3.	Protest Petition No.58-I of 2015 dated 27.02.2015 (Instituted by Pet.-wife)	Shashi Bala Vs. Ashish & Ors.	Ld. JMIC, Hansi(Hi sar)	Dismissed vide Order dated 20.12.2019 by Ld. JMIC, Hansi.
4.	Appeal No.CRR/78/2020 (against above FIR) (Instituted by Pet.-wife)	Shashi Bala Vs. Ashish & Ors.	Ld. ASJ, Hisar	PENDING FOR 08.01.2021
5.	DV Act COMA 33-2014 dated 10.03.2014 U/s 12 of DV Act, 2005 (Instituted by Pet.-wife)	Shashi Bala & anr. Vs. Ashish & Ors.	Ld. JMIC, Hansi(Hi sar)	Dismissed by Ld. JMIC Hansi vide Order dated 27.02.2020

6.	No. CRA./151/2020 Appeal U/s 12 of DV Act, 2005 (Instituted by Pet.- wife)	Shashi Bala & anr. Vs. Ashish & Ors.	Ld. ASJ, Hisar	PENDING FOR 09.02.2021
7.	No. CRA./517/2019 Appeal against Interim Order U/s 12 of DV Act, 2005 (Instituted by applicant/ respondent-husband)	Ashish Vs. Shashi Bala & Anr.	Ld. ASJ, Hisar	PENDING FOR 04.05.2021
8.	No.119-111 (MNT/8181/ 2013) dated 13.09.2017 (Instituted by Pet.- wife)	Shashi Bala & anr. Vs. Ashish.	Ld. Family Court, Hisar	Disposed of by Ld. Family Court, Hisar vide Order 13.09.2017
9.	FIR No.852/2014 u/s 420 / 406 IPC (No.CHI/703/2015) (Instituted by Hansi Police)	State of Haryana Vs. Shashi Bala	Ld. SDJM, Hansi	PENDING FOR 10.02.2021
10.	DMC/286/2019 DMC/163/2020 Case No.232-HMA dated 05.03.2019 (Instituted by applicant /respondent-husband)	Ashish Vs. Shashi Bala	Ld. Family Court, Hisar	Pending for 24.12.2020, however, this Hon'ble Court had pleased to stay the proceedings vide Order dated 21.12.2020 in CR No.2686 of 2020

It is pertinent to mention that the litigation amongst the parties is acrimonious, though an effort had been made by this Court by observing that the matter can be resolved amicably, but they have not been able to settle the disputes out of the Court. It is also to be noticed

that the criminal proceedings have been lodged by the respondent-husband in the form of FIR No.156 of 2014 under Section 420, 467, 468, 471 IPC at Police Station, Central Faridabad, regarding service benefit as such of the LTC taken by the petitioner-wife on behalf of the respondent-husband while staying separately. The said proceedings were transferred by a Coordinate Bench of this Court from Faridabad to Panipat in CRM-M-15058 of 2017 on 06.02.2019.

Mr. Bhardwaj, has sought the benefit of the said case to submit that the proceedings be transferred to Panipat.

The said argument is also without any basis. The said proceedings are totally different to the matrimonial dispute as such and proceedings of which are pending within Hisar District which are reproduced above. It is to be noticed that the allegations as such were levelled against the Principal District Judge of Family Court at Hansi, who had also opted to wash his hands off by transferring the matter to the other Family Court at Hisar.

Mr. Aggarwal, has also pointed out from Annexure R-9 that the child is studying in Hansi in Anand Niketan Public School and the application filed through the said child seeking information about his grandfather, under the RTI Act, 2005 shows his address at Hansi, as per Annexure R-10.

The said facts, thus, would go on to show that the minor child is also staying at Hansi. The ground as such set up by the petitioner-wife that she has difficulty in travelling to Hansi with a minor

child is against the record, as the child is staying at Hansi itself. As a mother, it is expected from her that she would travel to Hansi to meet her child on the weekends. She is also effectively prosecuting the proceedings of other pending cases in Hisar District, which she has herself initiated.

In such circumstances, the transfer petition is mis-conceived as such and is accordingly dismissed.

FEBRUARY 23, 2021

Naveen

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether Reportable:

Yes/No