

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

TA No.1174 of 2021 (O&M)

DATE OF DECISION: 26.11.2021

Davinder Kaur

.....Petitioner

versus

Harleen Kaur and others

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Harmanpreet Singh, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Heard in physical mode.

This is a petition under Section 24 of the Code of Civil Procedure, 1908 for transfer of the petition under the Protection of Women from Domestic Violence Act, 2005 (for short, 'DV Act') registered as COMA/4215/2019 titled *Harleen Kaur vs. Gurpreet Singh & Others* pending in the Court of Judicial Magistrate Ist Class, Patiala to a Court of competent jurisdiction at Bathinda.

The present petition has been preferred by the mother-in-law of respondent No.1 who is the complainant in the petition filed under the DV Act. It is the contention of the learned counsel for the petitioner that the petitioner is a 75 years old lady and is suffering from various health problems and hence it would be difficult for her to travel about 100 kilometres for defending the false and frivolous case against her. It is further contended that the three cases filed by Gurpreet Singh, respondent No.2, i.e. husband of respondent No.1, are already pending at Bathinda and hence the present case against the petitioner should be transferred to Bhatinda.

In the present case, the petition under the DV Act has been filed by respondent No.1 against her husband, father-in-law, brother-in-law and mother-in-law i.e. present petitioner. Admittedly, the three cases, referred to by the learned counsel for the petitioner, as also in the petition, have been instituted by the husband against respondent No.1 and her family members. The present petitioner is not a party to these cases. Further, a perusal of the petition under the DV Act reveals that there are three other respondents in the case namely, Gurpreet Singh, who is son of the present petitioner, Partap Singh, who is husband of the present petitioner, and Jujhar Singh, who is second son of the present petitioner. There is no reason forthcoming either from the petition or from the arguments addressed by the learned counsel for the petitioner as to what difficulty the petitioner would face in case she is to travel the distance on a date when she is required to be present in Court. Moreover, three male members of the family of the petitioner are parties in the petition under the DV Act who would also be there to contest the case.

In view thereof, I do not find any merit in the present petition.

Dismissed.

(ALKA SARIN)
JUDGE

26.11.2021
parkash

NOTE:

Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO