

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

TA No.593 of 2021 (O&M)

DATE OF DECISION: 10.01.2022

Jyoti

.....Petitioner

versus

Rajesh Kumar

.....Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Shubham Goyal, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Heard in virtual mode.

This is an application under Section 24 of the Code of Civil Procedure, 1908 for transfer of the following cases pending in the Courts at Chandigarh to the Courts of competent jurisdiction at Kurukshetra:-

- “1. *Jyoti vs Rajesh Kumar bearing case no.MNT125-412 of 2019 filed under section 125 Cr.p.c pending in the court of Judicial Magistrate Ist Class;*
2. *Jyoti vs Rajesh Kumar bearing case no. Complaint DV Act-322 of 2019 filed under section 6 read with section 12, 17, 18, 19, 20, 21, 22, 23 of The Protection of Women from Domestic Violence Act, 2005 pending in the court of Judicial Magistrate Ist Class;*
3. *Jyoti vs Rajesh Kumar bearing case no HMA 26 of 2021 filed under section 9 of Hindu Marriage Act 1955 pending in the court of Civil Judge Junior Division;*

4. *Jyoti vs Rajesh Kumar bearing case no. GW 15 of 2020 filed under section 25 of The Guardian and Wards Act 1890 pending in the court of Civil Judge Senior Division;*

5. *Rajesh Kumar vs Jyoti bearing no. HMA 921 of 2019 filed under section 13 of Hindu Marriage Act 1955 pending in the court of Additional District Judge.”*

Learned counsel for the petitioner would contend that the petitioner had herself initiated the petitions under Section 125 CrPC, Sections 12, 17, 18, 19, 20, 21, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 (DV Act), Section 9 of the Hindu Marriage Act, 1955 (HM Act) and Section 25 of the Guardian and Wards Act, 1890 (GW Act). The only petition which was filed by the husband is the one under Section 13 of the HM Act. Admittedly, the respondent had put in appearance in all the cases initiated by the petitioner-wife. In the petition under Section 13 of the HM Act, the matter is at the evidence stage. Learned counsel for the petitioner would contend that the petitioner-wife though had initiated the aforesaid cases but has returned to her parental house in June, 2021 and is now residing at Kurukshetra.

Heard.

In the present case, admittedly, the petitions under Section 125 CrPC, under Sections 12, 17, 18, 19, 20, 21, 22, 23 of the DV Act, under Section 9 of the HM Act and under Section 25 of the GW Act were initiated by the petitioner-wife at Chandigarh itself. In all the cases the respondent has put in appearance. The case as set up by the petitioner that

the petitioner has now shifted to her parental house at Kurukshetra is not supported by any documentation. There is not even a single document on the record to show that the petitioner has now shifted to Kurukshetra. Further, the petition under Section 13 of the HM Act is already at the evidence stage.

In view of the above, I do not find any ground to entertain the present petition.

Dismissed.

(ALKA SARIN)
JUDGE

10.01.2022
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NOTE:

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