

TA 1208/2022
2023:PHHC:038713

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 1208/2022
Date of decision:14/03/2022

Vineet Kumar

.....Petitioner

Vs.

Ms.Surbhi Sharma

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Shvetanshu Goel, Advocate for the petitioner.

Mr. Madan Pal, Advocate for the respondent.

Nidhi Gupta, J.

This is second Transfer Petition by petitioner/husband seeking transfer of HMA Case No.107 of 2022 (Annexure P-1) filed under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the Act') titled as 'Surbhi Sharma v Vineet Kumar' from the Court of Ms. Ritu Y.K. Behl, Addl. Principal Judge, Family Court, Karnal to any other Court having the same jurisdiction either in the State of Punjab or in any other District in Haryana State.

Petitioner and respondent got married on 21.2.2019 according to Hindu Rites and rituals. Due to temperamental differences both of them could not pull together as husband and wife, prompting them to file cases against each other.

Petitioner in earlier Transfer Petitions bearing TA Nos. 650/2022, 651/2022 and 653/2022 had sought transfer of petitions filed u/s 9 and Section 13 of the Act, as well as suit for permanent injunction on the ground that the respondent wife and her father are practicing Lawyers in

Karnal and Mr. Veerbhan Bhatti, counsel representing the petitioner was always under pressure either by the respondent side or by the members of the Bar that he should not represent the petitioner in these proceedings. The said Transfer Petitions, after hearing both sides, was disposed of by this Court vide order dated 7.9.2022 (Annexure A-4). The operative part of the said order containing detailed directions, is reproduced as under:-

“(a) The Principal Judge, Family Court, Karnal will take up both the petitions filed under Sections 9 and 13 of the Hindu Marriage Act, respectively on the same date and the Civil Judge, with whom the suit for permanent injunction is pending will also grant the same date so as to enable the petitioner/husband to appear on one day in one calendar month.

(b) On the date when the case is fixed, the Superintendent of Police, Karnal/the SHO of the concerned Police Station will depute two police constables, who will assist the petitioner as well as the learned counsel representing him during the course of day in the Court during the Court proceedings.

(c) The Principal Judge, Family Court, concerned is directed to make all endeavour to dispose of both the petitions filed under Sections 9 and 13 of the Hindu Marriage Act, at the earliest, in accordance with law.

With the aforesaid observations, all these petitions are disposed of.

A photocopy of this order be placed on the file of other connected cases.”

In the present Transfer Petition, grievance of the petitioner is that Trial Court is proceeding with the matters without complying with the directions issued by this Court vide order dated 7.9.2022, as it is under pressure from respondent and her father; and that respondent is interfering in the administration of justice.

After perusing the averments contained in this petition, vide order dated 11.10.2022 this Court had sought an explanation from Principal Judge, Family Court, Karnal as to why the order dated 7.9.2022 was not being complied with.

In compliance with the order dated 11.10.2022, now ld. Principal Judge, Family Court, Karnal has submitted detailed explanation dated 20.10.2022, which reads as under:-

“With reference to the above-mentioned subject in TA-1208-2022 (O&M) titled as "Vineet Kumar vs Surbhi Sharma" and your office e-mail dated October 18, 2022, it is submitted that three cases are pending between the above named parties in this Court which are as under:-

(1) Civil Suit No.04 of 2021 titled as "Vineet Kumar vs Surbhi Sharma".

(2) HMA Petition No.808 of 2021 titled as "Vineet Kumar vs. Surbhi Sharma" and

(3) HMA Petition No. 168 of 2022 titled as "Surbhi Sharma vs Vineet Kumar”

2. The order dated 07.09.2022 was received in the HMA Petition No. 168 of 2022 titled as "Surbhi Sharma vs Vineet Kumar" on 19.09.2022. On the same day the connected case bearing Civil Suit No.04 of 2021 titled as "Vineet

Kumar vs Surbhi Sharma" which was pending for 07.12.2022 in this Court was taken up and both the cases were adjourned to 17.10.2022 in compliance of the order dated 07.09.2022 of the Hon'ble High Court.

3. On that day i.e. 19.09.2022, the third case bearing HMA Petition No.808 of 2021 titled as "Vineet Kumar vs Surbhi Sharma" was pending in the Court of Shri Vikas Gupta, the Learned Additional Principal Judge, Family Court, Karnal. It was withdrawn from his Court and transferred to this Court by the order of the Learned District & Sessions Judge, Karnal on 28.09.2022.

On the same day (28.09.2022), it was received in this Court in presence of Shri V.B.Bhatti, Advocate-the learned counsel for Vineet Kumar and it was also adjourned to 17.10.2022 alongwith the connected cases. At that time, the case was still pending for issuance of notice to Surbhi.

Now, all the three cases have been adjourned to 23.11.2022.

Copies of all the above orders are being attached herewith.

4. There has thus been no violation of any order passed by the Hon'ble High Court by the undersigned and the proceedings are being carried out very much in accordance with the directions issued in the order dated 07.09.2022 in TA-1208-2022 (O&M) titled as "Vineet Kumar vs Surbhi Sharma".

It is further submitted that the learned counsel for the petitioner - Vineet Kumar has deliberately furnished incorrect and misleading information to the Hon'ble High Court in an attempt to overawe the undersigned. It is, therefore, requested that stringent action be taken against the aforesaid petitioner-Vineet for indulging in such type of conduct."

Ld. Counsel for the petitioner is unable to controvert the above factual position and submits that petitioner is satisfied as long as order dated 7.9.2022 passed by this Court, prevails.

After hearing the ld. Counsel for the parties and perusing the detailed explanation submitted by Principal Judge, Family Court, Karnal, it is evident that the mistaken grievance of the petitioner is based on apprehensions as nothing of the sort could be inferred either from detailed explanation or the zimni orders attached with the aforesaid explanation. No further directions are warranted in the present Transfer Petition.

Disposed of.

14/03/2022
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No