



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(i) TA-1035-2022 (O&M)

Suresh Solanki
...Applicant

VERSUS

Mukesh Rani alias Meenu and others
...Respondent

(ii) TA-1257-2022 (O&M)

Suresh Solanki
...Applicant

VERSUS

Mukesh Rani alias Meenu and others
...Respondents

(iii) TA-459-2023 (O&M)

Alka and another
...Applicants

VERSUS

Mukesh Rani alias Meenu
...Respondent

Date of Decision: February 24, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Yagsimant Attri, Advocate
for the applicants.

Mr.P.K.Hooda, Advocate
for respondent No.1

ARCHANA PURI, J.

These are three transfer applications filed by the applicants,

**TA-1035-2022 and connected cases****-2-**

thereby, seeking transfer of the various cases, filed at the instance of respondent-Mukesh Rani @ Meenu.

Transfer Applications No.1035 and 1257-2022 have been filed by applicant-Suresh Solanki, thereby seeking transfer of the Civil Suits No.964 of 2020 and Civil Suit No.1739 of 2022, which are pending before the Courts at Sonapat, and he seeks transfer of the same to the Court of competent jurisdiction in the State of Haryana or Chandigarh.

Likewise, Transfer Application No.459-2023 has been filed by the applicants-Alka and Suresh Solanki, thereby seeking transfer of petition No.DMC-307 of 2022 under Section 11 of the Hindu Marriage Act, which is pending before the Family Court, Sonapat, and they seek transfer of the same to the Court of competent jurisdiction at Kurukshetra or any other Court in the State of Haryana or Chandigarh.

In pursuance of the notice issued, respondent No.1 made appearance through counsel and filed the reply.

Learned counsel for the parties heard.

At the very outset, it is submitted at the behest of the applicants that respondent-Mukesh Rani @ Meenu is a practising lawyer in District Sonapat and alleges that her marriage was solemnized with applicant-Suresh Solanki on 11.09.2018. The marriage is under a cloud and is a subject matter of annulment in the Family Court, Tis Hazari. Also, it is submitted that applicant-Suresh Solanki, is a member of the armed forces and is presently posted at Chandigarh. Respondent No.1 is using all her strength to vindicate her stand against Suresh Solanki and used her legal acumen, at every step, in order to rope in Suresh Solanki and his family members, in

**TA-1035-2022 and connected cases****-3-**

false cases and has created multiplicity of litigation.

While making reference to the contents of the transfer applications, it is submitted that various cases, as detailed in the applications, have been filed by respondent No.1, with the purpose, only to harass Suresh Solanki and his family members. She had also filed petition under Section 125 Cr.P.C. and complaint under Protection of Women from Domestic Violence Act, at Kurukshetra.

Now, the three cases have been filed at Sonapat. This is with the sole purpose to make it inconvenient for the applicants, with a view to deprive them of fair trial. Also, it is submitted that considering respondent No.1 to be an Advocate, she manages to delay the proceedings and also seek favourable orders.

While making reference to paragraph No.12 of the application, it is submitted that harassment is caused by not making appearance in the Court, at the required time and making the counsel for the applicant, sit for hours together in the Court, waiting for her. In the given circumstances, a prayer has been made for the transfer of the aforesaid cases.

On the contrary, learned counsel for respondent No.1 has submitted that respondent No.1 is a practising lawyer in District Court, Sonapat. Her marriage was solemnized with applicant-Suresh Solanki, on 11.09.2018, as per Hindu rites. But however, without obtaining divorce, applicant-Suresh Solanki had married Alka and the litigation was initiated, on account of conduct of applicant-Suresh Solanki. Rest all averments have been denied. It is further submitted that the applicants had deliberately concealed the material facts from the Court, which calls for the dismissal of



the transfer applications.

In view of the submissions aforesaid and also, taking into consideration the position of law, about preference to be given to the wife, in the case of transfer applications, relating to the matrimonial dispute, the cardinal principle for exercise of power under Section 24 CPC is that the ends of justice demand the transfer of the suit, appeal or other proceeding. In matrimonial cases, though, convenience relating to the wife has to be considered, but however, it is not a thumb rule. Various other circumstances, spelt out from the material brought on record, also ought to be taken into consideration.

The economic soundness of either of the parties, the social strata of the spouses and behavioral pattern, stand of living and antecedents to marriage and subsequent thereto and circumstances of either of the parties, eking out their livelihood and furthermore also, about the places, where they are residing and the place, where the litigation has been initiated, ought to be taken into consideration. However, many a times, the inconvenience caused and the purpose or reason, as to why the litigation was filed at specific place, ought to be taken into consideration.

However, the paramount consideration for the exercise of power, must be to meet the ends of justice. In this regard, beneficial reference is made to decision rendered by the Hon'ble Supreme Court in ***Dr.Subramaniam Swamy vs. Ramakrishna Hegde, 1990(1) SCC 4***, wherein, it was observed as herein given:-

“The question of expediency would depend on the facts and circumstances of each case but the paramount consideration for the exercise of power must be to meet the ends of justice. It



is true that if more than one court has jurisdiction under the Code to try the suit, the plaintiff as dominus litis has a right to choose the Court and the defendant cannot demand that the suit be tried in any particular court convenient to him. The mere convenience of the parties or any one of them may not be enough for the exercise of power but it must also be shown that trial in the chosen forum will result in denial of justice. Cases are not unknown where a party seeking justice chooses a forum most inconvenient to the adversary with a view to depriving that party of a fair trial. The Parliament has, therefore, invested this Court with the discretion to transfer the case from one Court to another if that is considered expedient to meet the ends of justice. Words of wide amplitude- for the ends of justice- have been advisedly used to leave the matter to the discretion of the apex court as it is not possible to conceive of all situations requiring or justifying the exercise of power. But the paramount consideration must be to see that justice according to law is done; if for achieving that objective the transfer of the case is imperative, there should be no hesitation to transfer the case even if it is likely to cause some inconvenience to the plaintiff. The petitioner's plea for the transfer of the case must be tested on this touchstone.

(emphasis supplied)”

In the light of the aforesaid, it is the settled principle of law that peculiar facts of each, are to be examined, considered and appreciated. In this backdrop, advertent to the case in hand, from the material brought on record, it is evident that Mukesh Rani @ Meenu alleged marriage having performed by Suresh Solanki with her on 11.09.2018. However, Suresh Solanki had filed petition under Section 11 of the Hindu Marriage Act against Mukesh Rani @ Meenu, which is pending in the Courts at Tis



Hazari, Delhi and copy of the same is Annexure P-1. Besides the said litigation, also it is pertinent to mention that Mukesh Rani @ Meenu was residing at Kurukshetra.

It is submitted by learned counsel for respondent No.1 that she has got married in Sonapat in the year 2018 and now, she is residing there. No doubt, this fact of residence, ought to be taken into consideration, but there are other circumstances also, which have to be considered.

Indisputably, Mukesh Rani @ Meenu is a practising lawyer at Sonapat. Though, the vocation of respondent No.1, in itself, cannot be considered as a stumbling block for the delivery of justice, but however, it is significant to note that numerous litigation, arising from this matrimonial discord, has been initiated by Mukesh Rani @ Meenu, at Kurukshetra courts, the detail whereof, is herein given:-

- “i. FIR No.104 dated 23.10.2019, U/s 120-B, 313, 323, 498-A, 506 IPC, P.S. Women Police Station, Kurukshetra, which is filed at Kurukshetra.*
- ii. FIR No.301 dated 10.06.2010, U/s 452, 376, 120-B IPC, P.S. Thanesar Sadar, District Kuruskhetra, which is filed at Kurukshetra.*
- iii. MNT No.906 of 2019, which was partly allowed on 12.02.2024 was filed at Kurukshetra. The respondent also filed execution CRM 333-2022 at Kurukshetra, which is pending for 17.5.2025.*
- iv. Respondent Mukesh Rani @ Meenu even filed COMA 185 of 2019 under Section 12 DV Act, which is pending for 19.03.2025 at Kurukshetra.*
- v. Civil Suit No.1563/2024 filed by the petitioner against the respondent Mukesh Rani which is pending for 21.04.2025 at Kurukshetra for permanent injunction for*



restraining the respondent in interfering with the flat of petitioner.

- vi. *CHI/947/2023 proceeding under Section 182 has been initiated under FIR No.36 of 2023, Police Station Thanesar Sadar Distt. Kurukshetra against respondent Mukesh Rani in which chargesheet has been filed, which is pending for 16.04.2025.”*

In FIR No.104 dated 23.10.2019 and FIR No.301 dated 10.06.2020, Suresh Solanki and his family members had faced trial at Kurukshetra and they have been acquitted by the Courts concerned. Even, the maintenance petition, detailed aforesaid, was contested by Suresh Solanki at Kurukshetra and the same has since been decided and now CRM-333-2022 is pending in the Courts at Kurukshetra.

Likewise, complaint under Section 12 of the DV Act i.e. COMA-185-2019 is pending at Kurukshetra and it is at the stage of Rws. Besides the aforesaid litigation, even Civil Suit No.1563-2024, filed at the behest of Suresh Solanki against respondent Mukesh Rani @ Meenu is also pending in the Courts at Kurukshetra. Even, CHI-947-2023 under Section 182 Cr.P.C., initiated under FIR No.36 of 2023, registered at Police Station Thanesar, District Kurukshetra, is pending against respondent No.1, in which, chargesheet has been filed.

All these cases were filed, after Mukesh Rani @ Meenu allegedly got married in the year 2018. Since 2018, she is pursuing the litigation aforesaid, in the Courts at Kurukshetra and she has not sought transfer of the said cases, till date. It is quite obvious that respondent No.1 had filed three civil suits in Sonapat, where she is residing after marriage,



but may it be so. The fact remains she is practising lawyer at Sonapat. If not anything else, with regard to wielding of influence being lawyer, but however, the fact of scattered litigation, definitely is bound to cause more inconvenience to the applicants, than respondent No.1 and the same may also deprive the applications of the fair trial.

In view of the aforesaid factual position, it is considered expedient to meet the ends of justice, more particularly, when respondent No.1 is pursuing various cases, filed at her instance and also one case, filed at the instance of applicant-Suresh Solanki at Kurukshetra, without seeking transfer of the cases. In the given circumstances, the inconvenience to the applicant is writ large. Even though, there is an element of fear of not getting justice, on account of respondent No.1 being practising lawyer at Sonapat, but however, nothing as such, is evident about respondent No.1 wielding influence, to cause delay, on account of being an advocate.

However, looking at the facts and circumstances of the case, the transfer of the cases is imperative and therefore, there should not be any hesitation to transfer the cases, even if it is likely to cause some inconvenience to respondent No.1, which shall be negligible or to small extent, as she is already pursuing volume of litigation, initiated at her instance in Kurukshetra Courts.

Considering the circumstances, as detailed aforesaid, it is in the fitness of circumstances, while watching the interest of one and all concerned with the litigation, the present transfer applications, are hereby allowed. The requisite record of the cases i.e. Civil Suits No.964 of 2020, Civil Suit No.1739 of 2022 and DMC-307 of 2022, shall be transferred by



TA-1035-2022 and connected cases

-9-

the concerned trial Court, Sonapat to District and Sessions Judge, Kurukshetra. The parties through their respective counsel, are directed to appear before the Court of District and Sessions Judge, Kurukshetra, within a period one month from today onwards, who shall assign the aforesaid cases to the Court of competent jurisdiction at Kurukshetra.

February 24, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No