



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

Sr. No.110

TA-150-2024

Date of Decision: 14.05.2025

LAXMI BAI

...Applicant

Versus

KARNAILO DEVI AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sidharth Maini and Mr. I.P.S. Kohli, Advocates
for the applicant.

None for respondent No.1.

ARCHANA PURI, J. (Oral)

Perusal of the paperbook reveals that on 13.02.2025, despite service, respondent No.1 did not make appearance. Even on the subsequent dates, she had not made appearance. Today also, she has not made appearance. As such, respondent No.1 is proceeded against *ex parte*.

The counsel for the applicant heard.

The applicant-Laxmi Bai has filed the present application for seeking transfer of the civil suit i.e. CS/387/2023, titled '*Karnailo Devi Vs. Rajiv and another*', filed by respondent No.1 (mother-in-law of the applicant). The said suit is pending in the Courts at Indri, District Karnal and the applicant seeks transfer of the same to the Court of competent jurisdiction at SAS Nagar.

At the very outset, it is submitted that the marriage of the applicant was solemnized with respondent No.2-Rajeev Kumar, who is son of respondent No.1, on 11.02.2022. There was no child born from the said



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wedlock. However, due to the matrimonial dispute, they are residing separate. As a result of this matrimonial dispute, the applicant has already filed the petition under Section 125 Cr.P.C. i.e. MNT-125/88/2023, which is pending in the Courts at SAS Nagar and the same is still at appearance stage, on account of service not effected upon respondent No.2, who is residing in United Kingdom. Same is the position with regard to the petition under Section 12 of the Protection of Women from Domestic Violence Act i.e. COMA/113/2023, filed at the instance of the applicant, which is also pending in the Courts at SAS Nagar.

In the given circumstances, it is also submitted that the applicant is having no source of earning. As such, prayer has been made for acceptance of the transfer application.

In view of the submissions aforesaid and also taking into consideration the contents of paragraph No.12 and 13 of the application, it is evident that there is a matrimonial dispute of the applicant with her husband- Rajeev Kumar and the presence of said Rajeev Kumar, is not secured in the various cases, on account of this matrimonial dispute. The present case is also an offshoot of the matrimonial dispute. Respondent No.1, despite service, has not made appearance to resist the application.

In view of the aforesaid fact situation and considering the fact of two cases arising from the matrimonial dispute, already pending in the Courts at SAS Nagar, more particularly, the petition under Section 12 of the Protection of Women from Domestic Violence Act, wherein respondent No.1 is also one of the accused and making appearance in the same and also considering the distance between the two places to be about 120 kilometres, the transfer application is allowed and the civil suit i.e. CS/387/2023, titled



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'Karnailo Devi Vs. Rajiv and another', filed by respondent No.1, stands transferred from the Courts at Indri, District Karnal, to the Court of competent jurisdiction at SAS Nagar. The requisite record of the aforesaid case be sent by the Court concerned at Indri, to the District and Sessions Judge, SAS Nagar.

Learned District and Sessions Judge, SAS Nagar, shall assign the said petition to the Court concerned at SAS Nagar. Even, the parties are directed to appear before the concerned Court at SAS Nagar, within a period of one month from today onwards.

14.05.2025
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No