

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 2487 OF 2014
(@ S.L.P.(C) No. 18736/2013)

Aradhana Sharma

Appellant

VERSUS

Dr.Rajeev Vij

Respondent

O R D E R

Leave granted.

This appeal is directed against the judgment and order dated 08.01.2013 passed by the High Court of Punjab and Haryana at Chandigarh in T.A. No. 431/2012 whereby the High Court has declined to transfer the divorce petition being Case No. 238-HMA of 2011 dated 15.10.2011 pending before District Judge, Sirsa and criminal complaint under Sections 420/467/468/352/506/34 IPC pending in the Court of JMIC Sirsa, from District Sirsa to District Karnal, Haryana.

Having heard learned counsel for the parties and after perusing the record, we are of the opinion that the High Court erred in not allowing the transfer of the aforesaid matters, despite taking note of the fact that the appellant-wife has also filed various cases I.e. under Section 12 of the Domestic Violence Act, application under Section 125 Cr.P.C. for grant of maintenance and also complaint under Section 498A, 406, 420, 506, 120-B IPC all pending before the Ld. Illaqa Magistrate, Karnal and there will be a possibility of contrary findings by both the Courts.

Hence, we allow this appeal, set aside the impugned order passed by the High Court and direct transfer of divorce petition being Case No. 238-HMA of 2011 dated 15.10.2011 pending before District Judge, Sirsa and criminal complaint under Section 420/467/468/352/506/34 IPC pending in the Court of JMIC Sirsa, from District Sirsa to the court of competent jurisdiction at District Karnal, Haryana along with all records for their adjudication.

.....J.
(GYAN SUDHA MISRA)

.....J.
(V. GOPALA GOWDA)

NEW DELHI
FEBRUARY 03, 2014

ITEM NO.53

COURT NO.11

SECTION IVB

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).18736/2013

(From the judgement and order dated 08/01/2013 in TRA No.431/2012 of The HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH)

ARADHANA SHARAMA

Petitioner(s)

VERSUS

DR.RAJEEV VIJ

Respondent(s)

(With prayer for interim relief and office report)

Date: 03/02/2014 This Petition was called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Mr. D.N. Goburdhan, Adv.
Mr. P. Bagchi, Adv.

For Respondent(s) Mr. S.K. Pabbi, Adv.
Ms. Shikha Roy, Adv.
Ajay Kumar Singh, Adv.
Ms. Nishtha Chawla, Adv.

UPON hearing counsel the Court made the following
O R D E R

Leave granted.

Appeal is allowed in terms of the signed order.

(NAVEEN KUMAR)
COURT MASTER

(S.S.R. KRISHNA)
COURT MASTER