IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*\*\*

Transfer Application NO. --------- OF 2017

Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. ) …………Petitioner

Versus

Gaurav Verma s/o Sh. Jitender Kumar Verma resident of

House no. 295, Sonia Colony, Ambala Cantt. ( Haryana)

presently serving in 40 ART.DIV. SIGNAL REGIMENT (AREN) PIN 917840 C/O 56 A.P.O.

………..…Respondent

Petition U/s 24 of the Code of Civil procedure seeking transfer of petition U/s 13 (Case no.HMA. 767 of 2016) of the Hindu Marriage Act, filed by the respondent (Annexure P-1) from the court of District Judge , (Family Court) Ambala to the Court of competent jurisdiction at Sonipat. AND

It is further prayed that the further proceeding pending before the Ld. District Judge, (Family Court) Ambala for 25.5.2017 arising out of Petition U/s 13 of the Hindu Marriage Act (Annexure P-1 ) may kindly be stayed , during the pendency of the present revision petition .

*RESPECTFULLY SHOWETH*

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 20.4.2008 at* Kiratpur, District –Bijnour (U.P. ) as per Hindu rites and ceremony *. The parties cohabited as husband and wife and out of this wedlock , one male child born on 4.11.2010 and now male child is residing with the petitioner.*
2. ***That*** *the respondent has filed a petition U/s 13 of the Hindu Marriage Act ( H.M.A. Case No. 767 of 2016 ) in the court of District judge, Ambala (Family Court) , copy enclosed as* ***Annexure P-1.*** *In the said petition , totally vague and baseless allegation have been made. Notice of the said petition has already been issued to the petitioner.* ***Now this case has been fixed for 22.5.2017 for appearance of the petitioner/wife.***
3. ***That*** *now the proceeding arising out of petition U/s 13 of the Hindu Marriage Act are going on before the District Judge ,Ambala (Family Court) , where as the petitioner is residing at* Kiratpur, District –Bijnour (U.P. )  *The distance between Ambala to* Kiratpur, District –Bijnour (U.P.) *is more than 350 K.M. . Petitioner ,s father and mother who are old aged persons and now a days the parents of the petitioner are unable to afford the expenses of both of them because the father of the petitioner is seriously ill and undergoing treatment in AIIMS at Delhi. and younger brother of the petitioner is regular going student in the College . Petitioner having one male child Purujit Singh aged 7years only who is the school going and is student of UKG Class. In such situation , there is no male member in petitioner , s family to accompany her to the court at Ambala. Where as , petitioner ,s husband Gaurav (Respondent ) aged 30 years who is serving in Army as Signal Man in 40-Artillery Division, Signal Regiment posted at Ambala Cantt and he is getting the salary more than Rs. 45,000/- per month and respondent having his own residential house at Ambala Cantt and is residing with his parents after service duty, his father is Ex service man and retired from IAF.*
4. **That the** respondent is continuously harassing the petitioner by filing frivolous petitions one after the other, earlier on dated 19.5.2012 he filed a **first petition** u/s 9 of HMA before the Ld.Family Court Ambala but later on , he had withdrawn the same on 15.4.2014 . After **this ( Second)** in the month of December-2015 mother of the respondent filled the petition under section 12 of the Domestic Violence Act,2005 against the petitioner which was dismissed by Ld. Court at Ambala . After this, he filed the **( third petition)** divorce petition in July -2014 against the petitioner u/s 13 of HMA Act-1955 at Ambala. Then , petitioner filled the Transfer Petition no.735 of 2015 u/s 24 of the C.P.C. before this Hon,ble Court to transfer the divorce petition from Ambala to Sonipat and Hon,ble Court on dated 31.3.2016 accepted the plea of the petitioner and transferred the petition from Ambala to Sonipat but respondent appeared before the Ld. District Judge (Family Court) Sonipat and later on he had withdraw the same on dated 29th July -2016 . Copies of the order dated 31.3.2016 passed by the Hon,ble High Court as well as the order of withdrawal of the case dated 29.7.2016 passed by the District Court Sonipat are being attached herewith as **ANNEXURE P-2 and P-3** respectively.

It is pertinent to mention here that respondent filed **Fourth petition** under the Guardians and Wards Act -1890 at Ambala, than petitioner filed the transfer petition no. 45 of 2017 before this Hon,ble High Court to transfer this case Ambala to Sonipat . When notice of motion issued by Hon,ble Court to the respondent than he withdrawn the same on dated 11.2.2017 before the Family Court at Ambala . Now respondent /husband again filed the **fifth petition** i.e. divorce petition at Ambala which was earlier withdrawn at Sonipat and concealed this very facts from the Ld. Court at Ambala . In this way, respondent is continuously harassing the petitioner by filing the frivolous petitions one after other against the petitioner where as, petitioner filed only one petition unde section 125 Cr.P.C. against the respondent to grant the maintain ace for her and her child aged 6 years and she is getting total Rs 4,000/- per month the meagre amount for maintenance in this modern era of escalated price index and to live a standard and dignified life . Petitioner filed the petition ( CRR-F 280 of 2015 ) for enhancement of maintainace which is , pending before this Hon,ble Court.

1. **That** the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents . The distance between Bijnore (U.P) to Ambala Cantt. is about 350 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Ambala and the expenses for travelling will also be an additional financial burden on her. It has been held by Hon,ble Supreme Court in Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396 and Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184 (T.A. no.61 0f 2014) that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from Bijnore to Ambala Cantt. and back without reservation which is very difficult now a days for a lady to travel 350 kilometres on each and every date of hearing  *and as stated above , there is apprehension of danger to the life and liberty of the petitioner at the hands of respondent’s family at Ambala.* So, the petitioner is unable to meet the uncalled litigation expenses .

***6. That*** *it is in the interest of justice that the proceeding arising out of petition Annexure P-1 be transferred to the court of competent jurisdiction at Sonipat, because permanent residence of the petitioner falls in Distt. Meerut, U.P., she belongs to village Bhainsa P.S. Mawana . Distt. Meerut (U.P.) and some families belongs to her i.e father’s brother/cousin are residing in the said village. Distance between Meerut to Sonipat is 50 k.M. and Sonipat is nearest and convenient place in Haryana to the petitioner and permanent residence village Pachanda –Klan of the respondent falls in District Muzaffer Nagar near Meerut city . (U.P) respondent Now petitioner is staying at Kiratpur Distt. Bijnore (U.P.) with her parents , her father is serving in U.P. Govt. and posted at Kirtpur but permanent resident falls in Distt. Meerut . Then, there will be no difficulty to pursue her case properly in Distt. Court at Sonipat . In case, the proceeding are allowed to continue at Ambala , the petitioner will not be able to pursue her case properly.*

***7.. That*** *as per above mentioned cases ,settled proposition of law , convenience of wife is to be seen by the court. In this case , wife –petitioner is staying at Kiratpur Distt. Bijnore (U.P.) hence the petition Annexure P-1 filed by respondent deserves to be transferred from Ambala to Sonipat which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***8. That*** *no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court except T.A. no 735 of 2015 nor pending before any District court on the same cause of action.*

*It is , therefore , respectfully prayed that this petition may kindly be allowed and the petition U/s 13 of the Hindu Marriage Act (Annexure P-1) filed by the respondent titled as Gaurav Verma v/s Neha Verma (* case no.HMA. 767 of 2016)  *may kindly be transferred from the Court of District Judge , (Family Court) Ambala to the court of competent jurisdiction at Sonipat. AND*

*It is further prayed that the further proceeding pending before the Ld. District Judge ,Family Court Ambala for 22.5.2017 arising out of Petition U/s 13 of the Hindu Marriage Act ( Annexure –P-1 ) may kindly be stayed , during the pendency of the present application/ petition AND/ OR*

Pass any other appropriate order or direction which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case.

*Chandigarh ( SURESH AHLAWAT )*

*Date :- Advocate*

*COUNSEL FOR THE PETITIONER*

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2017

Neha Verma …………Petitioner

Versus

Gaurav Verma ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2017

Neha Verma …………Petitioner

Versus

Gaurav Verma ………..…Respondent

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1. | Transfer Application | 2.10.2015 | 1-6 |  |
| 2. | Affidavit | .10.2015 | 7 |  |
| 3 | Annexure P-1  Petition U/s 13 of H.M.Act | 21.7.2014 | 8-16 |  |
| 4 | Power of Attorney | 2.10.2015 | 17 | 2.75 |
| 5 | Total Court Fee |  |  |  |

Note : Caveat, if any : No.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*\*\*

Transfer Application NO. --------- OF 2017

Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. ) …………Petitioner

Versus

Gaurav Verma s/o Sh. Jitender Kumar Verma resident of House no. 295, Sonia Colony, Ambala Cantt. ( Haryana) . presently serving in 40 ART.DIV. SIGNAL REGIMENT (AREN) PIN 917840 C/O 56 A.P.O.

………..…Respondent

Petition under Section 24 of Civil Procedure Code for transfer

of petition under Sections 7,9, 25 of Guardian and Ward Act-1890 (Case no. GW/ 10/ 2016) (Annexure P-1) pending before the Court of Ld. Family Court Ambala to the Ld. competent Court of jurisdiction at Sonipat .

It is further prayed that the proceedings before the Ld Family Court at Ambala may kindly be stayed during the pendency of this Petition.

And

Any other order or direction as this Hon,ble Court may deem

fit in accordance with peculiar facts and circumstances of the

case may kindly be issued

***RESPECTFULLY SHOWETH***

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 20.4.2008 at* Kiratpur, District –Bijnour (U.P. ) as per Hindu rites and ceremony *. The parties cohabited as husband and wife and out of this wedlock , one male child born on 4.11.2010 and now male child is residing with the petitioner.*
2. ***That*** *the respondent has filed a petition* U/s 7,9,25, of the Guardians and Wards Act,1890 (Case no. GW/ 10/ 2016) *in the court of District judge, Ambala (Family Court) , copy enclosed as* ***Annexure P-1.*** *In the said petition , totally vague and baseless allegation have been made. Notice of the said petition has been issued to the petitioner. Now this case is fixed for 8.3.2017 .*
3. ***That*** *now the proceeding arising out of petition U/s* 7,9,25, of the Guardians and Wards Act, 1890 (Case no. GW/ 10/ 2016) *is going on before the District Judge ,Ambala (Family Court) where as, the petitioner is residing at* Kiratpur, District –Bijnour (U.P. )  *The distance between Ambala to* Kiratpur, District –Bijnour (U.P.) *is more than 350 K.M. . Petitioner ,s father and mother who are old aged persons and now a days the parents of the petitioner are unable to afford the expenses of both of them because the father of the petitioner is seriously ill and undergoing treatment in AIIMS at Delhi. and younger brother of the petitioner is regular going student in the College . Petitioner having one male child Purujit Singh aged 6 years only who is the school going and is student of UKG Class. In such situation , there is no male member in petitioner,s family to accompany her to the court at Ambala. Where as , petitioner ,s husband Gaurav (Respondent ) aged 31 years who is serving in Army as Signal Man in 40-Artillery Division, Signal Regiment posted at Ambala Cantt and he is getting the salary more than Rs. 40,000/- per month and respondent having his own residential house at Ambala Cantt and is residing with his parents after service duty, his father is Ex service man and retired from IAF.*
4. **That** the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents. The distance between Bijnore (U.P) to Ambala Cantt. is about 350 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Ambala and the expenses for travelling will also be an additional financial burden on her. It has been held by Hon,ble Supreme Court in Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396 and Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184 ( referred in T.A. no.61 0f 2014) that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from Bijnore to Ambala Cantt. and back without reservation which is very difficult now a days for a lady to travel 350 kilometres on each and every date of hearing  *and as stated above , there is apprehension of danger to the life and liberty of the petitioner at the hands of respondent’s family at Ambala.* So, the petitioner is unable to meet the uncalled litigation expenses .
5. **That the** respondent is continuously harassing the petitioner by filing frivolous petitions one after the other, earlier on dated 19.5.2012 he filed a first petition u/s 9 of HMA before the Ld.Family Court Ambala but later on , he had withdrawn the same on 15.4.2014 . After this ( Second) in the month of December-2015 mother of the respondent filled the petition under section 12 of the Domestic Violence Act,2005 against the petitioner which is still pending . After this, he filed the ( third petition) divorce petition in July -2014 against the petitioner u/s 13 of HMA Act-1955 at Ambala. Then , petitioner filled the Transfer Petition no.735 of 2015 u/s 24 of the C.P.C. before this Hon,ble Court to transfer the divorce petition from Ambala to Sonipat and Hon,ble Court on dated 31.3.2016 accepted the plea of the petitioner and transferred the petition from Ambala to Sonipat but respondent appeared before the Ld. District Judge (Family Court) Sonipat and later on he had withdraw the same on dated 29th July -2016 . Copies of the order dated 31.3.2016 passed by the Hon,ble High Court as well as the order of withdrawal of the case dated 29.7.2016 passed by the District Court Sonipat are being attached herewith as **ANNEXURE P-2 and P-3** respectively. Now respondent filed this (Fourth Petition) petition under the Guardians and Wards Act. In this way, respondent is continuously harassing the petitioner by filing the frivolous petitions one after other against the petitioner where as petitioner filed only one petition unde section 125 Cr.P.C. against the respondent to grant the maintain ace for her and her child aged 6 years and she is getting total Rs 4,000/- per month the meagre amount for maintenance in this modern era of escalated price index and to live a standard and dignified life . Petitioner filed the petition ( CRR-F 280 of 2015 ) for enhancement of maintainace which is , pending before this Hon,ble Court.

***5. That*** *it is in the interest of justice that the proceeding arising out of petition Annexure P-1 be transferred to the court of competent jurisdiction at Sonipat, because permanent residence of the petitioner falls in Distt. Meerut, U.P., she belongs to village Bhainsa P.S. Mawana . Distt. Meerut (U.P.) and her father,s family and some other relatives are residing in the said village. Distance between Meerut to Sonipat is 50 k.M. and Sonipat is nearest and convenient place in Haryana to the petitioner and permanent residence village Pachanda –Klan of the respondent falls in District Muzaffer Nagar near Meerut city . (U.P) Now petitioner is staying at Kiratpur Distt. Bijnore (U.P.) with her parents , her father is serving in U.P. Govt. and posted at Kirtpur but permanent resident falls in Distt. Meerut . Then, there will be no difficulty to pursue her case properly in Distt. Court at Sonipat . In case, the proceeding are allowed to continue at Ambala , the petitioner will not be able to pursue her case properly.*

***6.. That*** *as per above mentioned cases ,settled proposition of law , convenience of wife is to be seen by the court. In this case , wife –petitioner is staying at Kiratpur Distt. Bijnore (U.P.) hence the petition Annexure P-1 filed by respondent deserves to be transferred from Ambala to Sonipat which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***7. That*** *no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

*It is , therefore , respectfully prayed that this petition may kindly be allowed and the* petition U/s 7,9,25, of the Guardians and Wards Act,1890  *(Annexure P-1) filed by the respondent titled as Gaurav Verma v/s Neha Verma (* case no.GW/10/2016)  *may kindly be transferred from the Court of District Judge , (Family Court) Ambala to the court of competent jurisdiction at Sonipat. AND*

*It is further prayed that the further proceeding pending before the Ld. District Judge ,Family Court Ambala for 8.3.2017 arising out of* petition U/s 7,9,25, of the Guardians and Wards Act,1890  *Petition ( Annexure –P-1 ) may kindly be stayed , during the pendency of the present application/ petition.*

AND / OR

Pass any other appropriate order or direction which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case.

*Chandigarh ( SURESH AHLAWAT )*

*Date :- Advocate*

*COUNSEL FOR THE PETITIONER*

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2017

Neha Verma --------- …………Petitioner

Versus

GauravVerma ………..…Respondent

Affidavit of Neha Verma w/o Sh. Gaurav Verma d/o Sh. Kushal Pal Singh, resident of Block Colony, Basi- Kiratpur, near Veterinary Hospital, Kiratpur, District –Bijnour (U.P. )

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the contents of the accompanying transfer petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar revision petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action except T.A.no.735 of 2015*

CHANDIGARH

DATED .

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2017

Neha Verma …………Petitioner

Versus

GauravVerma ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2017

Neha Verma …………Petitioner

Versus

GauravVerma ----------- Respondent

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1. | Transfer Application | .01.201 | 1-6 |  |
| 2. | Affidavit | .01.2017 | 7 |  |
| 3 | Annexure P-1  Petition U/s Guardian & Wards Act | 21.7.2014 | 8-16 |  |
| 4 | Power of Attorney | .01.2017 | 17 | 2.75 |
| 5 | Total Court Fee |  |  |  |

Note : Caveat, if any : No.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : ADVOCATE

COUNSEL FOR THE PETITIONER

To

The Chief Engineer (Admn)

H.P.G.C.L., UrjaBhawan

Sector 6, Panchkula.

Subject: Regarding providing of employment in lieu of land acquired for Thermal Power Plant Jharli,Jhajjar.

R/Sir,

1. It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2013, from our family, an application for providing employment to my son Yogesh was submitted.
2. That my father Sh. Ram Chander had died in the year 2000. After his death, in our family there are two brothers, one sister, who is married and our mother Smt. Bharpai. In our family, out of these , non has any objection to give employment to my son Yogesh.
3. That our land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That my father had died in the year 2000. After his death, we have harited the land owned by my father i.e. two brothers, one sister and mother. In this way, land measuring 15K-5 M of each member was acquired.
4. That when from our family, an application of a member Yogesh, was submitted, for providing employment , then the concerned officers refused to receive the application and said that land in the name of father of the applicant, measuring 15K-5 marlas has been acquired for power plant which is less than scheme of2 acres, so employment cannot be provided to the applicant.
5. That after it, we met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of my father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised this wrong objection measuring 15K-5M of each member of this family has been acquired and in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That our is one family and land measuring about 8 acres of our family has been acquired which of the family is more than 2 acres. Also, our mother has got the land of her share transferred in the name of us both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of our share has been acquired. In this way also, in accordance to policy our claim of providing employment in the power plant exists. Therefore, from each angle, we have a right of employment as per the scheme .
7. That taking application of our son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, we have got no assurance letter from you
9. That the 4 villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my son has been received so far. Even on visiting in the office repeatedly, it is told that on attaining the age of 18 years appointment letter will be issued directly.

So, it is requested that assurance letter to my son Yogesh be also given, so that on completion of age of 18 years, he may join the service .Thanking You.

Applicant.

Azad Singh

S/o Late Shri Ram Chander

Village Mohanbari

District Jhajjar.

**SURESH AHLAWAT, ADVOCATE**

**PUNJAB & HARYANA HIGH COURT CHAMBER NO. 62, CHANDIGARH. (94171-11917) # Flat no.701, Block-E-1, Maya Garden City, Zirkpur (Mohali) Dated:-**

**==============================================Registered A.D.**

**TO**

**1.**  Managing Director, Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula

2. Chief Engineer ( Admn.) , Haryana Power Generation Corporation Ltd. Urja Bhawan Sector-6 Panchkula

**Sub. Legal Notice cum Final Demand Notice**

Under the instructions from and on behalf of Azad Singh s/o Late Sh. Ram Chander Village Mohanbari District Jhajjar. (hereinafter referred to my client ) I hereby serve upon you with the following legal notice:-

1. That It is submitted that in the year 2007 about 2000 acres land of four villages i.e. Jharli,Goria Khanpur and Mohanbari was acquired for setting-up in the name of Indira Gandhi Super Thermal Power Plant Jharli District Jhajjar. During that period, on 07.10.2007, a scheme was declared by Haryana Government that one member each of the families whose land i.e minimum two acre has been acquired shall be given employment in class III and Class IVth category in accordance with his educational qualification. So, in the year 2013, from my client’s family, an application for providing employment to my clint’s son Yogesh was submitted.
2. That my client’s father Sh Ram Chander had died in the year 2000. After his death, in my client’s family there are four members i.e two brothers, one sister, and their mother Smt. Bharpai. In my client’s family, out of these , non has any objection to give employment to his son Yogesh.
3. That my client’s family, land measuring about 61 kanal (8 acres) was acquired for Thermal Power Plant. That his father had died in the year 2000. After his death, my client’s family members i.e. two brothers, one sister and mother have harited the land which owned by their father. In this way, land measuring 15K-5M of each member was acquired.
4. That when from my client’s family, an application of my client’s son Yogesh, was submitted, for providing employment in lieu of land acquired , then the concerned officers refused to receive the application and said that land in the name of father of the applicant Sh. Azad Singh , measuring 15K-5 marlas has been acquired for power plant which is less than according to Govt. Scheme of 2 acres, so employment cannot be provided to the applicant.
5. That after it, my client’s family members met Deputy Commissioner, Jhajjar and told that land of our family measuring about 8 acres has been acquired for Power Plant. After the death of our father in the year 2000, in the ancestral property, we two brothers, sister and mother became co-sharers , but the family is the same and there is one ration card and Tehsil office has raised wrong objection regarding measuring 15K-5M of each member of this family has been acquired and told them that in accordance with the scheme, if the land of each member, less than 2 acres has been acquired ,his family,s member have no right for employment . Therefore, the applicant has no right for employment.
6. That my clien’s family is one and land measuring about 8 acres of my client’s family has been acquired which of the family is more than 2 acres. Also, my client’s mother has got the land of her share transferred in the name of my Clint and his brother, both the brothers half each. Her share measuring 15K-5 marla had been acquired and after adding half share to each both the brothers of 15K-5 marla acquired land, land measuring more than two acres of their share has been acquired. In this way also, in accordance to policy their claim of providing employment in the power plant exists. Therefore, from each angle, They have a right of employment as per the scheme .
7. That taking application of my client’s son Yogesh, Deputy Commissioner, Jhajjar had sent the same to Head Office, HPGCL Panchkula.
8. That at present, age of my clint’s son Yogesh is of about 16 years and he is studding in 10+1 class, but uptill now, they have got no assurance letter from you.
9. That the four villages, whose land has been acquired, in respect of other families the age of whose member is less than 18 years, assurance letters have been issued, but no assurance letter of my client’s son has been received so far. Even on visiting in the office repeatedly my client , it is told that on attaining the age of 18 years appointment letter will be issued directly.

You are , therefore , requested through this Notice that assurance letter to my client ‘s son Yogesh be also given , **with in a pried of two months** from the date of receipt of notice so that on completion of age of 18 years, he may join the service , failing which my client will be left with no other alternative except to file the writ petition in the Hon.ble Punjab & Haryana High Court, Chandigarh and in that case all the concerned authorities shall be responsible for all types of costs and litigation expenses . Please take this notice and ensure compliance.

A copy of this notice has been retained in my office for further reference and record.

**Encl.Annexure-1** Application Form of the Candidate Yours faithfully

SURESH AHLAWAT

ADVOCATE

To

The Director-General

Secondary Education, Haryana

Shiksha Sadan, Panchkula.

Subject:- For Adjustment /transfer

R/Sir

It is submitted that I am working as Computer Faculty in Govt.Sr.Sec.School Bhuri, Block Morni Hills Distt. Panchkula. It is submitted that I am facing some medical problems as suffering from Cervical and pain in legs due to travelling in hilly area and my son (Aditya) also suffering from PSYCHATIC ILLNESS AND EPILEPSY.

I, therefore, request your kind honour to adjust me in **Govt. Sr. Sec. School** **Sector-7 Panchkula** . So that, I can perform my duties aptly and properly . Hoping for favorable action on my application.

Thanking you.

Applicant

Sushil Kumari

Computer teacher/faculty

Govt.Sr.Sec.School - Bhuri ( 3715 ) block-Morni Distt. Panchkula # 706/11 Panchkula

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

\*\*\*

Transfer Application NO. --------- OF 2019

Kavita ( age-27 yeas) wife of Deepak ,daughter of Sh. Deep Chand resident of Village Kablana,Tehsil and Distt. Jhajjar. …………Petitioner

Versus

Deepak Pannu (aged 27 years) son of Sh. Kuldeep ,resident of Vill. and Post Office –Thurana ,Tehsil –Hansi, Distt. Hissar.

………..…Respondent

CHANDIGARH (SURESH AHLAWAT)

DATED :7.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

Petition U/s 24 of the Code of Civil procedure seeking transfer of petition U/s 13 of the Hindu Marriage Act, 1955 *titled as Deepak Pannu v/s Kavita*  ( Regn. No. 293 of 2018 Filling No. 1293 of 2018 CNR No. HRHSO 30023282018) filed by the respondent (Annexure P-1) from the Court of Ld. District Judge , (Family Court) Hisar to the Court of competent jurisdiction at Jhajjar. AND

It is further prayed that the further proceeding pending before the Ld. District Judge, (Family Court) Hisar for 9.4.2019 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1 ) may kindly be stayed , during the pendency of the present revision petition .

*RESPECTFULLY SHOWETH*

1. ***That*** *the marriage of the petitioner with the respondent was solemnized in accordance with Hindu rites and ceremonies on 14.6.2011 at village Kablana Tehsil and Distt. Jhajjar* as per Hindu rites and ceremony *. The parties cohabited as husband and wife and out of this wedlock , one male child born on 21.2.2013 and now male child is residing with the petitioner.*
2. ***That*** *the respondent has filed a petition U/s 13 of the Hindu Marriage Act-1955 in the court of District judge, Hisar (Family Court) , copy enclosed as* ***Annexure P-1.*** *In the said petition , totally vague and baseless allegation have been made. Notice of the said petition has already been issued to the petitioner. Now this case has been fixed for 9.4.2019 for appearance of the petitioner/wife.*
3. ***That*** *now the proceeding arising out of petition U/s 13 of the Hindu Marriage Act are going on before the District Judge ,Hisar (Family Court) , where as the petitioner is residing at* Kablana, Tehsil & District –Jhajjar  *The distance between Hisar to* Jhajjar *is more than 100 K.M. . Petitioner ,s father and mother who are old aged persons and now a days the parents of the petitioner are unable to afford the expenses of both of them . Petitioner having one male child aged 6 years only who is the school going and is student of Second Class. In such situation , there is no male member in petitioner , s family to accompany her to the court at Hisar. Where as , petitioner ,s husband deepak (Respondent ) aged 27years and able bodied person.*
4. **That** two cases already are going on at Jhajjar. Petitioner filed one petition under section 125 Cr.P.C. before the Ld. Court at Jhajjar which is fixed for 2.5.2019 for pws to grant the maintenance for her and her child and she is granted interim maintenance total Rs 4,000/- per month which is also not paid till date which is meagre amount for maintenance in this modern era of escalated price index and to live a standard and dignified life and petitioner also filed the criminal case u/s 498-A which is going before the Ld. Judicial Magistrate at Jhajjar In this case next date is 20.5.2019 for pws.
5. **That** the petitioner is a poor lady and has no independent source of income and is residing at the mercy of her parents . The distance between Hisar to Jhajjar is about 100 kilometers. It will indeed be difficult for the petitioner to travel such long distance to attend the hearings at Hisar and the expenses for travelling will also be an additional financial burden on her. It has been held by Hon,ble Supreme Court in Sumita Singh vs. Kumar Sanjay and another, AIR 2002 (SC) 396 and Neelam Kanwar vs. Devinder Singh Kanwar, 2000(8) SCC 184 that convenience of the wife has to be taken into consideration in such like matters. Moreover, she has to travel from her village in Distt. Jhajjar to Hisar and back without reservation which is very difficult now a days for a lady to travel 100 kilometres on each and every date of hearing  *and as stated above , there is apprehension of danger to the life and liberty of the petitioner at the hands of respondent’s family at Hisar .* So, the petitioner is unable to meet the uncalled litigation expenses .

***6. That*** *it is in the interest of justice that the proceeding arising out of petition Annexure P-1 be transferred to the court of competent jurisdiction at Jhajjar, because petitioner is staying in her village Kablana Distt. Jhajjar with her parents. Then, there will be no difficulty to pursue her case properly in Distt. Court at jhajjar . In case, the proceeding are allowed to continue at Hisar , the petitioner will not be able to pursue her case properly.*

***7.. That*** *as per above mentioned cases ,settled proposition of law , convenience of wife is to be seen by the court. In this case , wife –petitioner is staying at Vill. Kablana Distt. Jhajjar hence the petition Annexure P-1 filed by respondent deserves to be transferred from Hisar to Jhajjar which is nearest place , so as to enable the petitioner to pursue her case properly and in order to impart justice to the petitioner.*

***8. That*** *no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action.*

*It is , therefore , respectfully prayed that this petition may kindly be allowed and the petition U/s 13 of the Hindu Marriage Act-1955 (Annexure P-1)* 13 ( Regn. No. 293 of 2018 Filling No. 1293 of 2018 CNR No. HRHSO 30023282018)  *filed by the respondent titled as Deepak Pannu v/s Kavita may kindly be transferred from the Court of District Judge , (Family Court) Hisar to the court of competent jurisdiction at Jhajjar. AND*

*It is further prayed that the further proceeding pending before the Ld. District Judge (Family Court) Hisar for 9.4.2019 arising out of Petition U/s 13 of the Hindu Marriage Act-1955 ( Annexure –P-1 ) may kindly be stayed , during the pendency of the present application/ petition AND/ OR*

Pass any other appropriate order or direction which this Hon’ble Court may deem fit, just and proper in the peculiar facts and circumstances of this case.

*Chandigarh ( SURESH AHLAWAT )*

*Date :- Advocate*

*COUNSEL FOR THE PETITIONER*

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

T.A. No. --------- of 2019

Kavita …………Petitioner

Versus

Deepak Pannu ………..…Respondent

*TOTAL AMOUNT OF COURT FEE AFFIXED*

CHANDIGARH (SURESH AHLAWAT)

DATED : 8.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Transfer Application no. --------- of 2019

Kavita …………Petitioner

Versus

Deepak Pannu ………..…Respondent

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Sr no. | Particulars | Date | Page | Court Fee |
| 1. | Transfer Application | 7.4.2019 | 1-6 |  |
| 2. | Affidavit | .4.2019 | 7 |  |
| 3 | Annexure P-1  Petition U/s 13 of H.M.Act | -------------- | 8-16 |  |
| 4 | Power of Attorney | 6.4.2019 | 17 | 2.75 |
| 5 | Total Court Fee |  |  |  |

Note : Caveat, if any : No.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 8.4.2019 ADVOCATE

COUNSEL FOR THE PETITIONER

GROUNDS OF REVISION

1. That the present revision petition has been preferred against the order dated 2.2.2021 passed by the Ld. Court of JMIC, Jhajjar, vide which, the application under [Section 319](https://indiankanoon.org/doc/435819/) of the Cr.P.C was dismissed. The learned JMIC Jhajjar completely overlooked the peculiar facts and circumstances of the instant case and the settled law. The learned JMIC completely brushed aside the mandatory provisions of Section 319 Cr.P.C. and failed to appreciate that offence at all was made out against the respondent no.2.
2. That brief facts of the instant case are that initially the case was registered on the basis of the statement of the petitioner . True translated FIR dated 6.12.2017, which was registered on the basis of the statement of the petitioner has been annexed herewith as **Annexure P-1.**
3. That there are specific allegations against the respondent no.2 in the FIR, as well as, in the statements petitioner/PW-1 , further the Ld. Court below ignored the principles of [Section 319](https://indiankanoon.org/doc/435819/) of the Cr.P.C and on account of the fact that the witnesses have not said anything about the investigation in the statements.

[**Section 319**](https://indiankanoon.org/doc/435819/)**of the Cr.P.C reads as under :-**

"319. Power to proceed against other persons appearing to be guilty of offence.-(1) Where, in the course of any inquiry into, or trial of, an offence, it appears from the evidence that any person not being the accused has committed any offence for which such person could be tried together with the accused, the Court may proceed against such person for the offence which he appears to have committed.

(2) Where such person is not attending the Court, he may be arrested or summoned, as the circumstances of the case may require, for the purpose aforesaid.

(3) Any person attending the Court although not under arrest or upon a summons, may be detained by such Court for the purpose of the inquiry into, or trial of, the offence which he appears to have committed.

(4) Where the Court proceeds against any person under sub-section (1), then -

(a) the proceedings in respect of such person shall be commenced afresh, and witness re-heard;

(b) subject to the provisions of clause (a), the case may proceed as if such person had been an accused person when the Court took cognizance of the offence upon which the inquiry or trial was commenced."

4. That there are specific allegations against the respondent no.2 Rajbala . In the FIR, the allegations read as under **:-" *That after my marriage, Deepak and Rajbala started doing humiliate and beating with me due to brought less dowry ,which I endured for many days, when I am fed up and life got tough, than I informed my father ,who reached village Thurana along with other villagers and explained to Deepak and Rajbala’***

***Further stated in FIR that “my father given Rs. two lakh in cash to Deepak and Rajbala. But the demand of the greedy man went on increasing and these persons beating me again and again and I along with my son fired from their home in Aug. 2015”,***

The allegations in the FIR were supported by the statements of Deep Chand ,Chandrawati and Jitender made under [Section 161](https://indiankanoon.org/doc/447673/) of the Cr.P.C. after the filing of the challan, PW-1 Kavita (petitioner) appeared as witness and alleged as under :-

**PW-1 Kavita, while making specific allegations in her evidence against the respondent no.2 Rajbala stated as under :-**

" ***My husband and my mother-in-law used to beat me and asked me that you brought less dowry.***."

***“ Than my in-laws started to beat with me*** *.* ***Deepak my husband and Rajbala started beating me up.******In April -2013 Deepak and his mother demanded for Rs. Two lakh from me .Than they started beating more ,about which I informed to my father.”***

***“ my father given Rs. Two lakh to Deepak and Rajbala so that, my house peace be on. But even, no improvement has been done in behavior of my husband and mother-in-law.******Still bother me for the dowry .Deepak and Rajbala demanded Rs. Five lakh”.*** *True translated copy of statement dated 15.5.2018 before the Ld. JMIC Jhajjar of the petitioner as pw-1 is attached here wit has* ***Annexure P-2.***

Thus, there is sufficient evidence and specific allegations against the respondent no.2 . State has not been able to show as on what basis, the respondent no .2 was found innocent.

5. That during the investigation conducted by the police, respondent no.2 was kept wrongly in column no.2 of the charge sheet than petitioner moved the application before the Superintendent of Police Jhajjar that there are sufficient allegations against the respondent no.2 but all in vain.

1. That in the recent judgment of the Hon,ble Supreme Court in CRI. APPEAL  no.s. 298-­299 OF **2021 titled as Sartaj Singh Versus State of Haryana & Anr.** Etc. under para no. 6.2 of the said judgment considering   the   law   laid   down   by   in **Hardeep Singh (supra)** the observations and findings referred to and **reproduced hereinabove, it emerges that**
2. ” the Court can exercise the   power   under   Section   319   Cr.P.C.   even   on   the   basis   of   the statement   made   in   the  examination-­in-­chief   of   the   witness concerned and the Court need not wait till the cross­ of such a witness and the Court need not wait for the evidence against the   accused   proposed   to   be   summoned   to   be   tested   by cross examination ; and (ii) a person not named in the FIR or a person though named in the FIR but has not been charge-­sheeted or a person who has been discharged can be summoned under Section 319 Cr.P.C., provided from the evidence (may be on the basis of the evidence   collected   in   the   form   of   statement   made   in   the examination­-in­-chief  the witness concerned), it appears that such person can be tried along with the accused already facing trial.”
3. It is a well settled proposition of law that an order under [Section 319](https://indiankanoon.org/doc/435819/) Cr.P.C should not be passed only because one of the witnesses wish to implicate another person. The Courts are required to apply stringent tests; one of the tests is that the Court should come to the reasonable conclusion on the basis of evidence before it that the same is likely to lead to conviction.

[In Michael Machado and another v. Central Bureau of Investigation and another](https://indiankanoon.org/doc/1335414/), 2000(2) RCR (Criminal) 75, while considering the basic requirements of [Section 319](https://indiankanoon.org/doc/435819/) of the Code, Court said:

"The basic requirement for invoking the above Section is that it should appear to the Court from the evidence collected during trial or in the inquiry that some other person, who is not arraigned as an accused in that case, had committed an offence for which that person could be tried together with the accused already arraigned. It is not enough that the Court entertain some doubt, from the evidence, about the involvement of another person in the offence. In other words, the Court must have reasonable satisfaction from the evidence already collected regarding two aspects. First is that the other person has committed an offence. Second is that for such offence that other person could as well be tried along with the already arraigned accused."

[In Krishnappa v. State of Karnataka](https://indiankanoon.org/doc/1945016/) reported as 2004 (4) RCR (Criminal) 678, the Court ruled that the power to summon an accused is an extraordinary power conferred on the Court and it should be used very sparingly and only if compelling reasons exist for taking cognizance against the person other than the accused.

The Apex Court in the case of [Sarabjit Singh and another v. State of Punjab and another](https://indiankanoon.org/doc/189268/) reported as 2009(3) RCR (Criminal) 388, in para 17, observed as under:-

"17. The provision of [Section 319](https://indiankanoon.org/doc/435819/) of the Code, on a plain reading, provides that such an extraordinary case has been made out must appear to the court. Has the criterion laid down by this Court in Municipal Corporation of Delhi (supra) been satisfied is the question? Indisputably, before an additional accused can be summoned for standing trial, the nature of the evidence should be such which would make out grounds for exercise of extraordinary power. The materials brought before the court must also be such which would satisfy the court that it is one of those cases where its jurisdiction should be exercised sparingly.

We may notice that in [Y. Saraba Reddy v. Puthur Rami Reddy and Anr. [JT](https://indiankanoon.org/doc/1695102/) 2007 (6) SC 460], this Court opined:

"...Undisputedly, it is an extraordinary power which is conferred on the Court and should be used very sparingly and only if compelling reasons exist for taking action against a person against whom action had not been taken earlier. The word "evidence" in [Section 319](https://indiankanoon.org/doc/435819/) contemplates that evidence of witnesses given in Court..."

An order under [Section 319](https://indiankanoon.org/doc/435819/) of the Code, therefore, should not be passed only because the first informant or one of the witnesses seeks to implicate other person

(s). Sufficient and cogent reasons are required to be assigned by the court so as to satisfy the ingredients of the provisions. Mere ipse dixit would not serve the purpose. Such an evidence must be convincing one at least for the purpose of exercise of the extraordinary jurisdiction.

For the aforementioned purpose, the courts are required to apply stringent tests; one of the tests being whether evidence on record is such which would reasonably lead to conviction of the person sought to be summoned."

8. That there are specific allegations against the respondents- no.2 Rajbala in the statement made by petitioner/PW-1, as reproduced above. In fact, there has been consistent stand of the witnesses about the role attributed to the respondent no.2. The allegations find support in the evidence. Thus, there is a reasonable chance of the respondent no. 2 being convicted on the basis of the said evidence.

In view of the above, the present revision petition may kindly be allowed and order dated 2.2.2021 passed by the Ld. Judicial Magistrate Ist Class, Jhajjar, vide which, the application under [Section 319](https://indiankanoon.org/doc/435819/) of the Cr.P.C was dismissed, be set aside and the respondent no.2 be summoned under [Section 319](https://indiankanoon.org/doc/435819/) Cr.P.C to face trial.

Note: That no such or similar criminal revision petition has earlier been filed by the petitioner either in the Hon’ble Court or in the Hon’ble Supreme Court of India

Through Counsel

(**SURESH AHLAWAT**)

CHANDIGARH ADVOCATE

DATED:22.3.2021 COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.R. No. of 2021

Kavita ( aged about 34 years ) wife of Deepak d/o Sh. Deep Chand resident of Village Kablana Tehsil and Distt. Jhajjar …………Petitioner

Versus

1. State of Haryana
2. Rajbala w/o Sh. Kuldeep resident of village Thurana , Tehsil -Hansi Distt. Hisar

………..…Respondents

CHANDIGARH (SURESH AHLAWAT)

DATED : 22.3.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

FIRST INFORMATION REPORT

( UNDER SECTION 154 CR.P.C.)

1.District :Jhajjar P.S.Women Station Jhajjar,Year:2017

FIR No:- 0175 Dated: 6.12.2017

2. Sr. No. Acts Sections

1. IPC-1860 406

2. IPC- 1860 498-A

Xxxxxxxxxxxxxxxxxxxxxxx

12. Contents of FIR:

*To*

*The Supt.of Police*

*Jhajjar*

*Subject:- Application for taking the action against Deepak son of Kuldeep and Rajbala wife of Kuldeep resident of village Thurana Tehsil Hansi Distt. Hissar.*

*Sir,*

*I, Kavita wife of Deepak daughter of DeepChand resident of village Kablana Tehsil and Distt. Jhajjar request the following:-*

1. *That my marriage was solemnized in accordance with Hindu rites and ceremonies on 14.6.2011 with Deepak son of Kuldeep resident of village Thuran in my village at Kablana.*
2. *That in my marriage ,my father had spent the money beyond his capacity ( near about Rs. 15 lakh) i.e. one Alto car was also given in dowry, apart from this, one gold chain weighing two tola. one gold ring weighing five gram for Deepak, two pair gold Topas for the mother-in-law and grand mother-in-law ,one gold ring weighing five gram for Satveer ( Mama of Deepak).*
3. *That one male child was born in 2013 from my marriage who is living with me .*
4. *That after my marriage, Deepak and Rajbala started doing humiliate and beating with me due to bringing less dowry ,which I endured for many days, when I am fed up and life got tough, than I informed to my father ,who reached village Thurana along with other villagers and explained to Deepak and Rajbala .*
5. *That my Alto car has been sold by Deepak and signed the documents under pressure . In 2013 they harass and beating with me due to bringing less dowry and demanded Rs. Two lakh than I informed to my father in this regard. Than my father reached in village Thurana along with villagers to maintain the peace and harmony in the house and my father given Rs. two lakh in cash to Deepak and Rajbala.But the demand of the greedy man went on increasing and these persons beating me again and again and I along with my son fired from their home in Aug. 2015, which from her day ,I am residing with my son in the house of my father . After that, My father gone to village Thurana three times along with panchayat, at which they demanded Rs. Five Lakh in cash. On my father’s refusal, than they refused to let me take my son.*

*Thus, It is humble request to you, that strict action be taken against the above mentioned accused persons and my jawalary , cash , money of sold car and dowry articles according to list be returned to me.*

***Sd/- Kavita d/o Deep Chand resident of Village KablanaTehsil and Distt. Jhajjar***

Xxxxxxxxxxxx

State v/s Deepak

**PW- 1 Kavita**  w/o Deepak aged about 32 years resident of village Kablana Jhajjar

On S.A.

Stated that on 14.6.2011  *my marriage was solemnized in accordance with Hindu rites and ceremonies with Deepak son of Kuldeep resident of village Thurana in my village at Kablana. My father given one Alto car in my marriage. One gold chain weighing two tola and one gold ring for Deepak, one gold ring for Mama of Deepak and two pair gold Topas for my mother-in-law and grand mother-in-law were also given.* ***My husband and my mother-in-law used to beat me and asked me that you brought less dowry.*** *My husband sold the car which has been given in dowry and when the car sold, than my sign has been obtained on documents under threat. In 2013 one male child born out from this wedlock , whose name is Harprit .He is residing with me .* ***Than my in-laws started to beat with me*** *.* ***Deepak my husband and Rajbala started beating me up.******In April -2013 Deepak and his mother demanded for Rs. Two lakh from me .Than they started beating more ,about which I informed to my father*** *,than my father reached in village Thurana along with some other persons and my husband and my mother-in-law explained .****And my father given Rs. Two lakh to Deepak and Rajbala so that, my house peace be on. But even, no improvement has been done in behavior of my husband and mother-in-law.******Still bother me for the dowry .Deepak and Rajbala demanded for Rs. Five lakh.*** *Than I informed to my father in this regard. Than my father came again along with two-or three persons .But my father refused to give Rs. Five lakh in demand* ***because which, my mother-in-law and my husband refused to keep me .*** *My son also is living with me .* ***In 2015, I and my son were evicted from the home by my husband and mother-in-law****, on which I submitted the complaint Ex.PW-1/A to the S.P. Jhajjar ,on which my signature is there. Accused is present in court.*

*Xxxxxxxxxxx Defence Counsel*

*At this stage application u/s 319 Cr.P.C. has been moved.*

***Judicial Magistrate 1st Class***

***Jhajjar***

***15.5.2018***

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

Versus

State of Haryana and another ………..…Respondents

Affidavit of Kavita w/o Deepak aged about 34 years resident of village Kablana Distt. Jhajjar

I , the above named deponent do hereby solemnly affirm and declare on oath as under: -

1. That the contents of the accompanying petition which are true and correct, but for want of brevity have not been reproduced in this affidavit.

*2 That no such or similar petition has earlier been filed by the petitioner either in this Hon,ble court or the Apex Court nor pending before any District court on the same cause of action .*

CHANDIGARH

DATED .

*VERIFICATION*

Verified that the contents of my above affidavit are true and correct to my knowledge. No part of it is false and nothing has been kept concealed therein.

CHANDIGARH

DATED

THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

State of Haryana and another ………..…Respondents

INDEX

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
|  | Particulars | Date | Page | Court Fee |
| 1. | Application u/s 482 Cr.P.C. for emption and placing on record. | 22.3.2021 | 1-2 |  |
| 2. | Affidavit | .3.2021 | 3 |  |
| 3 | Application 482 Cr.P.C. for Stay | 22.3.2021 | 4-5 |  |
| 4 | Affidavit | .3.2021 | 6 |  |
| 5 | Grounds of Criminal Rivision | 22.3.2021 | 7- |  |
| 6. | Affidavit | .3.2021 |  |  |
| 7. | **Impugned order of JMIC, Jhajj** | 2.2.2021 |  |  |
| 8. | Annexure P-1 ( F.I.R.) | 6.12.2017 |  |  |
| 9. | Annexure -2 . ( Statement of the PW-1) | 15.5.2018 |  |  |
| 10. | POWER OF ATTORNY | 19.3.2021 |  |  |
|  | **VERNACULAR** |  |  |  |
| 11 | Annexure P-1 ( F.I.R.) | 6.12.2017 |  |  |
| 12. | Annexure -2 . ( Statement of the PW-1) | 15.5.2018 |  |  |

Similar case if any:- No.

CHANDIGARH (SURESH AHLAWAT)

P/370/1994

DATED : 22.3.2021 ADVOCATE

COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

VERSUS

State of Haryana and another ………..…Respondents

Application under section 482 of the code of criminal procedure for seeking exemption from filing the certified copies of Annexures P-1 to P-2 and placing on record the same.

MOST RESPECTFULLY SHOWETH:

1. That the accompanying petition is being filed in this Hon’ble Court, which is likely to be accepted on the strength of grounds taken therein.
2. That the certified copies of Annexures P-1 to P-2 are not readily and easily available at this stage with the petitioner. The case, being urgent in nature, therefore, true typed/translated copies of the same are being annexed with this petition.

It is, therefore, respectfully prayed that this application may kindly be allowed and the petitioner may kindly be exempted from filing the certified copies of Annexures P-1 to P-2 and placing on record the same in the interest of justice and fair play.

Note: Affidavit is attached.

(SURESH AHLAWAT)

CHANDIGARH ADVOCATE

DATED:22.3.2021 COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

VERSUS

State of Haryana and another ………..…Respondents

Affidavit of Kavita w/o Deepak aged about 34 years resident of village Kablana Distt. Jhajjar

I, the above named deponent do hereby solemnly affirm and declare as under:

1. That the accompanying petition is being filed in this Hon’ble Court, which is likely to be accepted on the strength of grounds taken therein.
2. That the certified copies of Annexures P-1 to P-2 are not readily and easily available at this stage with the deponent. The case, being urgent in nature, therefore, true typed/ translated copies of the same are being annexed with this petition.

Chandigarh

Dated: .3.2021

Verification:

Verified that the contents of para nos.1 and 2 of my above affidavit are true and correct as per my knowledge. No part of it is false and nothing material has been kept concealed therein.

Chandigarh

Dated: .3.2021

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

VERSUS

State of Haryana and another ………..…Respondents

Application under Section 482 of the Code of Criminal Procedure for staying the further proceedings before the court of Ld. JMIC Judge, Jhajjar.

Respectfully showeth:

1. That the accompanying revision petition is being filed by the petitioner, which is most likely to be accepted on the basis of grounds taken therein, which may kindly be read as a part and parcel of this application.

2. That the petitioner is a good prima facie case in her favour and she will suffer irreparable loss and injuries in case the further proceedings before the learned trial court is not stayed.

It is, therefore, respectfully prayed that this application may kindly be allowed and the further proceeding before the learned trial court may kindly be stayed in the interest of justice and fair play.

Note: Affidavit is attached.

(SURESH AHLAWAT)

CHANDIGARH ADVOCATE

DATED:22.3.2021 COUNSEL FOR THE PETITIONER

IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

CRR No. --------- of 2021

Kavita …………Petitioner

VERSUS

State of Haryana and another ………..…Respondents

Affidavit of Kavita w/o Deepak aged about 34 years resident of village Kablana Distt. Jhajjar

I, the above named deponent do hereby solemnly affirm and declare as under:

1. That the accompanying revision petition is being filed by the deponent, which is most likely to be accepted on the basis of grounds taken therein, which may kindly be read as a part and parcel of this application.

2. That the deponent is a good prima facie case in her favour and she will suffer irreparable loss and injuries in case the further proceedings before the learned trial court is not stayed.

Chandigarh

Dated: .3.2021

Verification:

Verified that the contents of para nos.1 and 2 of my above affidavit are true and correct as per my knowledge. No part of it is false and nothing material has been kept concealed therein.

Chandigarh

Dated: .3.2021