

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No.632 of 2013.
Decided on:-13.03.2015.

Smt. Sonu Saini.

.....Petitioner.

Versus

Vikas Saini.

.....Respondent.

CORAM: HON'BLE MR. JUSTICE DR. BHARAT BHUSHAN PARSOON.

Present:- Mr. Parminder Singh, Advocate,
for the petitioner.

Mr. Sandeep Kotla, Advocate,
for the respondent.

Dr. Bharat Bhushan Parsoon, J (Oral)

In this petition, petitioner seeks transfer of petition under Section 9 of the Hindu Marriage Act, 1955 (for short, the Act) filed by the husband, respondent herein, from Panipat to Karnal as the petitioner is residing with her minor daughter aged about one year at Karnal, which is more than 50 Kms. away from Panipat.

2. It is also urged that the petitioner-wife is having a breastfed female child born to her on 29.09.2012. It is also urged that she has filed a petition under Section 125 Cr.P.C. against the respondent-husband. Besides this, she has also got registered a case bearing FIR No.286 dated 01.08.2013, interalia, under Section 498-A IPC at P.S. Indri, District Karnal.

3. Counsel for the respondent-husband has resisted this transfer

application urging that merely because the petitioner is a lady, there should not be any mis-placed sympathy with her. Support has been sought from **2006 (9) SCC 197 (Supreme Court)** and on unreported judgment pronounced on 07.03.2011 passed in TA No.412 of 2010 (O&M) by this Court. Facts of the case in hand are different. The respondent is already facing two litigations at Karnal. The wife is also having breast fed female child and is living in the area of District Karnal.

4. In view of the submissions made by counsel for the parties as also the circumstances explained in the petition, the request is allowed.

5. Sequelly, the petition under Section 9 of the Act pending before Additional District Judge, Panipat is transferred to District Judge, Karnal who may assign it to the competent jurisdiction. Both the concerned District Judges to comply.

6. Disposed of accordingly.

7. Parties are directed to appear before the court below on 20.04.2015.

8. Copy Dasti on usual charges.

(Dr. Bharat Bhushan Parsoon)
Judge

March 13, 2015
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