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

TA No.251 of 2015

Date of decision: April 06, 2015

Sarita

.....Applicant

Versus

Mukesh Sharma

.....Respondent

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Sanjay Verma, Advocate
for the applicant.

SABINA, J

Applicant has filed this petition seeking transfer of the petition filed by the respondent under Section-9 of the Hindu Marriage Act, 1955 ('Act' for short) from the Court at Panipat to the Family Court, Faridabad.

Learned counsel for the petitioner has submitted that respondent had earlier filed petition under Section-13 of the Act. In TA No.5 of 2015 vide order dated 06.01.2015 (Annexure P-4), the said petition was ordered to be transferred from the Court at Panipat to the Family Court Faridabad. Now the respondent has filed petition under Section-9 of the Act. Learned counsel has submitted that since four cases between the parties are pending at Faridabad, this case be also transferred to the Family Court at Faridabad.

Order Annexure P-4 passed by this Court, reads as under:-

“Counsel for the petitioner-wife claims that three cases between the parties are already pending adjudication in the courts at Faridabad, details whereof are as under:

(i) Criminal case bearing FIR No.529 dated 8.10.2013 under Sections 498-A, 323 and

506 read with Section 34 IPC, Police Station, Saran (Faridabad);

(ii) Petition under Section 125 Cr.PC for claiming maintenance from the husband by the wife for her as well as for her two minor daughters at Faridabad; and,

(iii) Complaint under Section 12(I) of the Protection of Women from Domestic Violence Act, 2005.

It is further claimed that the petitioner-wife is having two minor daughters with her and it is very difficult for her to attend the case at Panipat on each and every date of hearing.

No notice to the opposite side is being issued to avoid delay and further because no prejudice would be caused to the other party.

In view of the submission made by the counsel for the petitioner-wife as also the circumstances explained in the petition, the request is allowed.

Sequely, the petition under Section 13 of the Hindu Marriage Act, 1955 pending before the Additional District Judge, Panipat is transferred to the District Judge, Family Court, Faridabad. Compliance be made.

Disposed of accordingly.

Copy Dasti on usual charges.”

Since four cases are already pending between the parties at Faridabad, it would be just and expedient to transfer the application filed by the respondent under Section-9 of the act to Family Court, Faridabad. Moreover, the divorce petition filed by the respondent has already been transferred to Family Court at Faridabad vide order Annexure P-4 reproduced above.

Accordingly, this application is allowed. Petition filed by the respondent under Section-9 of the Act titled “Mukesh Sharma versus Sarita” pending before the Court of Additional District Judge, Panipat is transferred to the Court of District Judge, Family Court, Faridabad.

**(SABINA)
JUDGE**

April 06, 2015

m.singh