

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

TA No.467 of 2015.

Date of Decision: 11.12.2015.

Varinder Kaur

....Petitioner.

VERSUS

Datar Singh and another

....Respondents.

CORAM: HON'BLE MRS. JUSTICE SNEH PRASHAR.

Present: Ms. Savita Rana, Advocate for the petitioner.

Mr. B.S. Dhull, Advocate for respondent No.1.

Respondent No.2 was proceeded against exparte vide orer
dated 25.08.2015.

SNEH PRASHAR, J.

This petition under Section 24(1)(a) read with Section 151 of the Code of Civil Procedure was filed by Smt. Varinder Kaur-wife seeking transfer of the petition under Section 13 of the Hindu Marriage Act, 1955 (for short, “the Act of 1955”) filed by the respondent-husband from the Court of learned Additional District Judge, Kurukshetra to the Court of competent jurisdiction at Karnal.

Learned counsel for respondent No.1 submitted that as per instructions from the said respondent he has no objection to the transfer of the petition from the Court of Additional District Judge, Kurukshetra to a Court of competent jurisdiction at Karnal as prayed for by the petitioner.

Otherwise also, as submitted by learned counsel for the petitioner, a complaint under Section 498-A/406/323/506 of the Indian Penal Code filed by her against the respondent is already pending at Karnal. She also filed a petition under Section 125 of the Code of Criminal Procedure (for short, "Cr.P.C.") which was decided exparte against the respondent and now her daughter through her has filed another petition under Section 125 Cr.P.C. against respondent No.1 which is also pending at Karnal. The minor child born out of the wedlock of the parties is living under the care and custody of the petitioner. The distance between Kurukshetra and Karnal is more than 35 kilometers and it will indeed be inconvenient for the petitioner to travel such distance alongwith the minor child to defend the petition filed by the respondent.

Accordingly, the petition under Section 13 of the Act of 1955 pending before Additional District Judge, Kurukshetra is withdrawn from the said Court and is transferred to the Court of competent jurisdiction at Karnal. The file shall be sent by the trial Court to the District and Sessions Judge, Karnal within two weeks from the date of receipt of copy of this order, who will either keep the petition himself/ herself or will entrust the same to any other court of competent jurisdiction at Karnal.

The parties are directed to appear before the District Judge, Karnal on 18.01.2016.

(SNEH PRASHAR)
JUDGE

11.12.2015.

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