

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

TA-599-2016 (O&M)

Date of decision: 3.12.2016

Indu Malhotra

.....Petitioner.

Versus

Chandan Kumar

.....Respondent.

CORAM: - HON'BLE MR. JUSTICE RAJAN GUPTA.

Present: - Mr. Vikram Bali, Advocate for
Mr. Parminder Singh, Advocate for petitioner.

Rajan Gupta, J.

....

Petitioner, who is wife of respondent, seeks transfer of proceedings under order 9 Rule 13 in divorce proceedings pending at Patiala to Hoshiarpur. It is urged before the court that petitioner instituted proceedings under Section 125 of the Code of Criminal Procedure at Hoshiarpur. The same was decided on 21.1.2010. Respondent-husband had committed default in paying the arrears of maintenance. It is further submitted that petitioner obtained the decree under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act') on the basis of false summon report. On the other hand, in the proceedings initiated by respondent under Section 13 of the Act at Patiala, petitioner sought transfer of proceedings in TA-594-2012 before this court. Same was allowed on 25.1.2013 and proceedings under Section 13 of the Act were ordered to be transferred to the court at Hoshiarpur.

Respondent remains unrepresented despite service.

Keeping in view facts and circumstances of the case, the petition is disposed of with the observation that proceedings under Section 13 of the Act would be transferred from court at Patiala to the court of competent jurisdiction at Hoshiarpur in the eventuality application under Order 9 Rule 13 is allowed by the court at Patiala.

(RAJAN GUPTA)
JUDGE

3.12.2016
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<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>