

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Date of decision: 21.03.2016

1. TA No.71 of 2016

Sonika Prabhakar @ Sonu Sharma

... Applicant

Vs.

Aadil Prabhakar

... Respondent

2. TA No.121 of 2016

Aadil Prabhakar

... Applicant

Vs.

Sonu Sharma

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. Achin Gupta, Advocate
for the applicant (in TA No.71 of 2016) and
for the respondent (in TA No.121 of 2016).

Mr. Pushpinder Kaushal, Advocate
for the applicant (in TA No.121 of 2016) and
for the respondent (in TA No.71 of 2016).

1. Whether reporters of local papers may be allowed to see the judgment? YES/NO
2. To be referred to the reporters or not? YES/NO
3. Whether the judgment should be reported in the digest? YES/NO

RAMESHWAR SINGH MALIK, J.

Two identical Transfer Applications between the same parties
are proposed to be decided together vide this common order. First Transfer
Application No.71 of 2016, whereby applicant-wife is seeking transfer of a

petition under Section 9 of the Hindu Marriage Act, 1955 (for short 'HM Act') filed by the respondent-husband, from Derabassi, District SAS Nagar (Mohali) to a learned Court of competent jurisdiction at Bathinda. Similarly, vide Transfer Application No.121 of 2016, applicant-husband is seeking transfer of a petition filed by the wife under Section 125 of the Code of Criminal Procedure (for short 'Cr.P.C.') from Bathinda to a learned Court of competent jurisdiction at SAS Nagar (Mohali).

Notice of motion was issued in both these transfer applications.

Heard learned counsel for the parties.

Learned counsel for both the parties, on instructions from the parties who are also present in the Court, have finally agreed for allowing both these applications, transferring both the litigations from Derabassi, District SAS Nagar (Mohali) as well as from Bathinda to a learned Court of competent jurisdiction at Mansa. Both the parties who are present in the Court have agreed to the proposal for transferring both these litigations at one place i.e. Mansa. Additionally, learned counsel for the husband, on instructions, has fairly stated that husband will bear the to and fro expenses to enable the wife for pursuing the proceedings at Mansa.

In view of the abovesaid common stand taken by both the parties, both these applications deserve to be accepted and the same are hereby allowed. Accordingly, learned District Judge, SAS Nagar (Mohali) is directed to send the complete record of petition under Section 9 of HM Act titled as Aadil Prabhakar Vs. Sonika Prabhakar @ Sonu Sharma to the learned District Judge, Mansa. Similarly, learned District & Sessions Judge, Bathinda is directed to send the complete record of the petition under Section

125 Cr.P.C. titled as Sonu Sharma Vs. Aadil Prabhakar to the learned Sessions Judge, Mansa. Learned District & Sessions Judge, SAS Nagar (Mohali) as well as learned District & Sessions Judge, Bathinda shall send the complete record of abovesaid cases to the learned District & Sessions Judge, Mansa at an early date and in any case within a period of one month from the date of receipt of certified copy of this order. Learned District & Sessions Judge, Mansa is also directed to assign the abovesaid two cases to the learned Court of competent jurisdiction for their early decision, in accordance with law.

Respondent-husband in TA No.71 of 2016 shall bear the to and fro expenses for the applicant-wife at the rate of RS.2,000/- for every date of hearing.

With the abovesaid observations made and directions issued, both the abovesaid transfer applications stand disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

21.03.2016
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