

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.475 of 2016 (O&M)
Date of decision: 24.01.2017

Anika

... Applicant

Vs.

Amit Puri

... Respondent

CORAM: HON'BLE MR. JUSTICE RAMESHWAR SINGH MALIK

Present: Mr. A.K. Khunger, Advocate
for the applicant.

Mr. B.D. Sharma, Advocate
for the respondent.

RAMESHWAR SINGH MALIK, J. (ORAL)

CM-1312-CII-2017

Applicant-respondent seeks permission to place on record reply
to the transfer application.

Application is allowed, as prayed for.

CM stands disposed of.

TA No.475 of 2016

Applicant-wife, by way of instant transfer application under
Section 24 of the Code of Civil Procedure (for short 'CPC'), seeks transfer of
the petition under Section 9 of the Hindu Marriage Act, 1955 ('the Act' for
short) titled as Amit Puri Vs. Anika, filed by respondent husband from
Jalandhar to Sri Muktsar Sahib.

Notice of motion was issued. The matter was referred to Mediation and Conciliation Centre but the parties could not settle it amicably.

Heard learned counsel for the parties.

Both the parties are raising their apprehension and difficulties in pursuing the pending litigation at Jalandhar as well as Sri Muktsar Sahib. Learned counsel for the applicant submits that it would be very difficult for the applicant-wife to go to Jalandhar to pursue the litigation imposed on her by the respondent-husband. On the other hand, learned counsel for the respondent refers to serious allegations levelled in para 2 of the reply filed today, to contend that the respondent-husband would be facing danger to his life, if he is forced to go to Sri Muktsar Sahib.

In view of the abovesaid peculiar facts and circumstances of the present case, this Court is of the considered opinion that it would be just and expedient to transfer the petition under Section 9 of the Act filed by the respondent-husband from Jalandhar to Faridkot, so as to secure the ends of justice and to avoid any undue hardship to any of the parties.

In view of the above, instant transfer application is allowed and the petition under Section 9 of the Act filed by the respondent-husband titled as Amit Puri Vs. Anika is ordered to be transferred from Jalandhar to Faridkot.

Consequently, learned District Judge, Jalandhar is directed to send complete record of the abovesaid petition to the learned District Judge, Faridkot, at an early date but in any case within a period of one month from the date of receipt of certified copy of this order.

Learned District Judge, Faridkot is also directed either to decide

the case himself or assign it to the learned Court of competent jurisdiction, for an early decision, in accordance with law.

With the abovesaid observations made and directions issued, instant transfer application stands disposed of, however, with no order as to costs.

[RAMESHWAR SINGH MALIK]
JUDGE

24.01.2017
vishnu

Whether speaking/reasoned Yes/No

Whether reportable Yes/No