IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

TA No. 682 of 2017
Date of decision : December 20, 2017

Garima

..... Applicant

Versus

Sunil

..... Respondent

CORAM: HON'BLE MRS. JUSTICE REKHA MITTAL

Present:- Mr. Hari Om Sharma, Advocate
for the applicant.

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REKHA MITTAL J (Oral).

Prayer in this application is for transfer of HMA No.647 dated 28.9.2017 titled Sunil Vs. Garima from the Court of District Judge (Family Court) Rohtak to a Court of competent jurisdiction at Kaithal.

Counsel for the applicant has submitted that the application filed at the behest of applicant under Section 125 Cr.P.C, case under Section 498-A IPC and petition for divorce under Section 13 of Hindu Marriage Act, 1955 (hereinafter to be referred as 'the Act') are pending in the Court at Kaithal. It is further submitted that physical distance between the two places is more than 100 K.M. It is submitted that the respondent is contesting the proceedings pending in the Court at Kaithal.

The respondent has failed to cause appearance despite service. There is no counter to the submission made by counsel for the applicant. The petition under Section 9 of the Act filed by the respondent is required to be decided by the court seized of the proceedings for grant of divorce initiated at the behest of the applicant. That being so, the instant petition is withdrawn from the Court of District Judge (Family Court),

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Rohtak and transferred to the court at Kaithal, seized of the petition under Section 13 of the Act filed by the applicant.

The application is disposed of accordingly.

(REKHA MITTAL)
JUDGE

December 20, 2017
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Whether speaking/reasoned **Yes/No**
Whether Reportable **Yes/No**

Archana Arora
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