

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

TA-90-2021 (O&M)

Date of decision: 10.09.2021

Shama Rani

...Petitioner

Versus

Gaurav

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikram Singh, Advocate for the petitioner

Mr. Virender Soni, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is the petition filed by the wife under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of proceedings in petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.605/2020, titled as 'Gaurav vs. Shama Rani' pending in the Court of District Judge (Family Court), Fatehabad, to the Court of competent jurisdiction at Karnal.

The petitioner claims she got married to the respondent on 15.02.2017. She claims that presently, she alongwith her three years old child, is residing with her parents at Karnal. She also claims that she does not have any independent source of income and cannot properly defend the petition at Fatehabad as the distance between Karnal and Fatehabad is 170 kms.

Learned counsel for the petitioner contends that respondent (husband) is already defending a petition under Section 125 Cr.P.C at

Karnal.

Sh.Virender Soni, Advocate, has entered appearance on behalf of the respondent and has contested the petition.

Learned counsel representing the respondent does not dispute the factual aspect noticed above.

In view of the aforesaid facts, the transfer application is allowed. It is directed that proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.605/2020, titled as 'Gaurav vs. Shama Rani' pending in the Court of District Judge (Family Court), Fatehabad, be transferred to the Court of competent jurisdiction at Karnal. The transferor court is directed to remit the file of the case to the transferee court forthwith. The parties through their counsel are directed to appear before the District & Sessions Judge, Karnal on 01.10.2021, who shall either try the case himself or assign the same to the court of competent jurisdiction in the District.

All the pending miscellaneous applications, if any, are also disposed of.

10.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE