

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

204-1

ASHOK KUMAR
2021.10.14 15:50
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TA-219-2021

Date of decision: 13.10.2021

SAROJ KUMARI

..Petitioner

Versus

HARDEEP KUMAR

..Respondent

TA-280-2021

SAROJ KUMARI

..Petitioner

Versus

HARDEEP KUMAR AND ANR.

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Manvir S. Rana, Advocate for the petitioner.
Mr. Gulzar Mohd. Advocate for respondent No.1.
Mr. Raman Kumar, Advocate for
Mr. Naveen Batra, Advocate for respondent No.2.

ANIL KSHETARPAL, J (Oral)

This order shall dispose of two transfer applications filed by the wife with a prayer to transfer the proceedings of the following petitions, pending in the Family Court, Jalandhar, to the Court of competent jurisdiction at Rupnagar:-

1. A petition under Section 12 and 25 of the Guardians and Wards Act, 1890, (Hardeep Kumar vs. Saroj Kumari).
2. A petition under Section 11 of the Hindu Marriage Act, 1955, (Hardeep Kumar vs. Saroj Kumari and another).

It has been submitted that the petitioner is a lactating mother of an infant daughter and the respondent is already defending proceedings in complaints under Section 125 Cr.P.C. as well as the Protection of Women

from Domestic Violence Act, 2005 at Rupnagar, respectively.

The distance between Jalandhar and Rupnagar is stated to be 113 kms.

Per contra, learned counsel representing the respondent submits that the respondent is contesting the maintainability of the petition as the marriage is not valid. This matter can be adjudicated only after the parties have been permitted to lead the evidence.

Keeping in view the aforesaid facts, the petition is allowed.

The proceedings in the petitions filed under Section 12 and 25 of the Guardians and Wards Act, 1890, (Hardeep Kumar vs. Saroj Kumari) and under Section 11 of the Hindu Marriage Act, 1955, (Hardeep Kumar vs. Saroj Kumari and another), respectively, pending in the Family Court, Jalandhar, are ordered to be transferred to the Court of competent jurisdiction at Rupnagar.

The transferor Court is requested to remit the case files to the transferee Court forthwith.

The parties through their counsel are directed to appear before the transferee Court on 08.11.2021.

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

13.10.2021

ashok

Whether speaking/reasoned : Yes/No

(ANIL KSHETARPAL)

JUDGE

Whether reportable : Yes/No