

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

TA-281-2021 (O&M)

Date of decision: 20.09.2021

Neena Rani

...Petitioner

Versus

Umesh Kumar Goyal

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Vishal Thakur, Advocate for the petitioner

Mr.Abhay Gupta, 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 wife's petition under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of the proceedings in petition filed under Section 11 of the Hindu Marriage Act, 1955, titled as 'Umesh Kumar Goyal vs. Neena Rani' pending in the Court of Additional District Judge, Sangrur, to the Court of competent jurisdiction at Hoshiarpur.

It is stated that the distance between Sangrur and Hoshiarpur is 150 kms and the respondent (husband) is already defending three litigations at District Court, Hoshiarpur i.e a complaint under the Protection of Women from Domestic Violence Act, 2005, a petition under Section 9 of the Hindu Marriage Act, 1955 and a petition under Section 125 Cr.P.C. It has also been alleged that the petitioner has filed a complaint under Section 498-A against the respondent in Hoshiarpur, which is pending.

On the other hand, learned counsel representing the respondent has filed his reply. It has been pointed out that the respondent is maintaining his two years old child. The attention of the Court has also been drawn to the order passed on 11.02.2021 by Civil Judge, Junior Division/Judicial Magistrate, First Class Hoshiarpur, allowing the petitioner to meet the child at Sangrur in the proceedings under Section 11 of the Hindu Marriage Act, 1955.

As the respondent is already defending three litigations, as noticed above, at Hoshiarpur, therefore, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 11 of the Hindu Marriage Act, 1955, titled as 'Umesh Kumar Goyal vs. Neena Rani' pending in the Court of Additional District Judge, Sangrur, be transferred to the Court of competent jurisdiction at Hoshiarpur. 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, Hoshiarpur, on 08.10.2021, 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.

20.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE