

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

TA-297-2021 (O&M)

Date of decision: 28.09.2021

Reena

...Petitioner

Versus

Vikas

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rajesh Bansal, Advocate for the petitioner

Mr. P.K.Rohilla, 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 13 of the Hindu Marriage Act, 1955, bearing HMA 819/2016 titled as 'Vikas vs. Reena' pending in the Court of Principal Judge, Family Court, Karnal, to the Court of competent jurisdiction at Panipat.

The petitioner claims that she got married to the respondent on 18.01.2014. She claims that presently she alongwith her minor child, is residing with her aged parents at Panipat. She further claims that she does not have any independent source of income therefore, she cannot properly defend the petition at Karnal.

Learned counsel for the petitioner contends that respondent (husband) is already defending two cases at District Court, Panipat i.e FIR no. 275 dated 23.10.2016 registered under Section 323, 34, 498-A,

406, 506 IPC at P.S. Israna, Panipat and a petition under Section 125 Cr.P.C. He further contends that trial in the divorce petition has not made any substantial progress for the last more than 5 years.

Sh.P.K.Rohilla, Advocate, has entered appearance on behalf of the respondent and has contested the petition. However, he does not dispute the factual aspect noticed above.

In view of the aforesaid, the transfer application is allowed. It is directed that the proceedings in the petition filed under section 13 of the Hindu Marriage Act, 1955, bearing HMA 819/2016 titled as 'Vikas vs. Reena' pending in the Court of Principal Judge, Family Court, Karnal, be transferred to the Court of competent jurisdiction at Panipat. 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, Panipat on 14.10.2021, 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.

28.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE