

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

TA-347-2021 (O&M)

Date of decision: 27.09.2021

Aarti Gupta

...Petitioner

Versus

Mohit Gupta

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Siwach, Advocate for the petitioner

Mr. Parminder Singh, 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.

While issuing notice of motion on 26.08.2021, the following order was passed by this Court:-

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

This petition has been filed by the wife seeking the transfer of the case bearing No.HMA/525/2020, titled as “Mohit Gupta vs. Aarti Gupta”, pending in the Court of Principal Judge, Family Court, Mohali, to the Court of competent jurisdiction at Karnal.

The petitioner claims that she got married to the respondent on 13.04.2017 and they have been blessed with one female child. She claims that presently, she is residing with her parents at Karnal and the distance between Mohali and Karnal is 150 Kms. The petitioner further claims that she cannot properly defend the petition at Mohali.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Karnal:-

(i) Under Section 125 Cr.P.C.

(ii) Under Domestic Violence Act, 2005

(iii) FIR under Section 406/498-A IPC.

The learned counsel contends that it will be very difficult for the petitioner to travel on each date of

hearing.

Notice of motion for 16.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel at District Courts, Mohali.

Dasti also.”

Sh.Parminder Singh, Advocate, has entered appearance on behalf of the respondent and has contested the petition. He contends that a similar application for transfer of proceedings in a civil suit for grant of permanent injunction was dismissed by this Court. However, he does not dispute the factual aspect noticed in the order dated 26.08.2021.

As the respondent(husband) is already defending three cases at Karnal, the present transfer application is allowed. It is directed that the proceedings in the petition bearing HMA/525/2020, titled as “Mohit Gupta vs. Aarti Gupta”, pending in the Court of Principal Judge, Family Court, Mohali, 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 13.10.2021, 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.

27.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE