

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

TA-373-2021 (O&M)

Date of decision: 06.10.2021

Neeru

...Petitioner

Versus

Manish Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ajay Jain , Advocate for the petitioner

Mr. K.K.Thakur, 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 a petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing HMA 618/2020 titled as 'Manish Kumar vs. Neeru' pending in the Court of the Principal Judge, Family Court, Sirsa, to the Court of competent jurisdiction at Hisar.

The petitioner claims that she got married to the respondent on 21.04.2015. She claims that presently, she alongwith her minor child is residing with her aged parents at Hisar. The petitioner further claims that she is unable to properly defend the petition at Sirsa.

Learned counsel for the petitioner contends that respondent (husband) is already defending three cases at District Court, Hisar i.e FIR no. 268 dated 29.10.2020 registered under Section 498A, 323, 406, 506 IPC at Police Station Uklana, a petition under Section 125 Cr.P.C

and a petition under Section 18 & 20 of the Hindu Adoption and Maintenance Act, 1956.

Sh. K.K.Thakur, 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 9 of the Hindu Marriage Act, 1955, bearing HMA 618/2020 titled as 'Manish Kumar vs. Neeru' pending in the Court of the Principal Judge, Family Court, Sirsa, be transferred to the Court of competent jurisdiction at Hisar. 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, Hisar on 22.10.2021, 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.

06.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE