

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

105

TA-382-2021(O&M)
Date of Order:31.08.2021

VASHIKA

..Petitioner

Versus

MUNISH KUMAR @ MANISH GUPTA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. R.D.Sharma, Advocate,
for the petitioner.

Mr. Munish Puri, 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.

C.M.No.7796-CII of 2021

Allowed as prayed for.

The written statement filed on behalf of the respondent is taken
on record.

MAIN

On 24.08.2021, the following order was passed:-

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

Through this application, the petitioner(wife) prays for transfer of petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Manish Gupta vs. Vashika' pending in the court of Additional District Judge, Fatehgarh Sahib to the court of competent jurisdiction at Pathankot.

It has been asserted that the proceedings under Section 125 Cr.P.C and the Protection of Women from Domestic Violence Act, 2005, are already pending at Pathankot.

Sh. Munish Puri, Advocate, enters appearance on behalf of the respondent and prays for a short adjournment.

*Adjourned to 31.08.2021.
No further request for an adjournment shall be entertained.”*

Sh. Munish Puri, the learned counsel representing the respondent contends that the respondent is suffering from disability to the extent of 50% in relation to a Chronic Neurological Condition which has been diagnosed as Moderate Hemiparesis. He further contends that the respondent has also filed a separate petition seeking transfer of proceedings under the Protection of Women from Domestic Violence Act, 2005.

After having considered the matter, this Bench is of the considered view that since the petitioner is already defending two cases in the Courts at Pathankot and he is not required to attend the hearing on each and every date of hearing, accordingly, the petition is allowed.

The petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Manish Gupta vs. Vashika, pending in the Court of Additional District Judge, Fatehgarh Sahib, is transferred to the Court of competent jurisdiction at Pathankot.

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

The parties through their counsels are directed to appear before the transferee Court, at Pathankot, on 23.09.2021.

The respondent shall be at liberty to file an application before the transferee Court, at Pathankot, for permission to appear through video conferencing.

August 31, 2021
nt/ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No