

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

TA-497-2021 (O&M)

Date of decision: 31.08.2021

Neha

...Petitioner

Versus

Sukhbir

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Mazlish Khan, Advocate for the petitioner

Mr. Amitabh Tewari, 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 petition has been filed by the petitioner (wife) seeking the transfer of the petition filed under Section 13 (1)(IA) of the Hindu Marriage Act, 1955, bearing No.HMA/78/2021, titled as 'Sukhbir vs. Neha' pending in the Court of Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Jhajjar.

The petitioner claims that she got married to the respondent on 09.12.2012. She claims that, at present, she alongwith her minor child, is residing with her parents at Jhajjar and the distance between Gurugram and Jhajjar is more than 70 kms and she does not have any independent source of income. She further claims that it will not be possible for her to defend the petition at such a far off place. It has also been brought to the notice of the Court that the respondent is already facing trial in two cases at District Court, Jhajjar i.e FIR No. 10 dated 06.01.2021 under Section 323, 34, 406, 498-A, 506 IPC at Police Station

Women Police Station, Jhajjar, and a petition under Section 125 Cr.P.C.

Keeping in view the aforesaid facts, the transfer application is allowed. It is directed that the petition filed under Section 13 (1)(IA) of the Hindu Marriage Act, 1955, bearing No.HMA/78/2021, titled as 'Sukhbir vs. Neha' pending in the Court of Principal Judge, Family Court, Gurugram be transferred to the Court of competent jurisdiction at Jhajjar. 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, Jhajjar on 17.09.2021, who would 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.

31.08.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE