

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

ASHOK KUMAR
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TA-511-2021 (O&M)

Date of decision: 27.09.2021

POOJA DHIMAN

..Petitioner

Versus

AMANDEEP

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. SK Choudhary, Advocate for the petitioner.

Mr. MS Virdhi, 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.

On 26.08.2021, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/14/2021, titled as “Amandeep vs. Pooja Dhiman”, pending in the Family Court, Mukerian, District Hoshiarpur, to the Court of competent jurisdiction at Pathankot.

The petitioner claims that she got married to the respondent on 03.12.2015 and they have been blessed with one female child. She claims that presently, she is residing with her parents at Pathankot and the distance between Mukerian and Pathankot is 60 Kms. The petitioner further claims that she cannot properly defend the petition at Mukerian.

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

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

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

Notice of motion for 17.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. S.P.Trilokia and Sh. M.S.Walia, at Civil Courts, Mukerian.

Dasti also.”

Learned counsel representing the respondent contends that the

petitioner has already been proceeded against ex parte and the distance between the Mukerian and Pathankot is 45 kms. only.

The petitioner can enter appearance at any point of time in the pending proceedings. The petitioner has already asserted that she cannot properly defend the petition at Mukerian. Hence, the application is allowed. The proceedings of HMA/14/2021 (Amandeep vs Pooja Dhiman) pending in the Family Court, Mukerian, are ordered to be transferred to the Court of competent jurisdiction at Pathankot. The transferor Court is requested to remit the case file to the transferee Court forthwith. The parties are directed to appear before the District Judge, Pathankot, on 13.10.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Pathankot.

The applicant shall be at a liberty to file the application for setting aside the ex parte proceedings.

All the pending miscellaneous applications, if any, are also disposed of.

27.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE