

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 488 of 2021

Date of Decision: 11.10.2021

Kamaljit Kaur

... Petitioner(s)

Versus

Manmeet Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Mohit Vashishat, Advocate
for the petitioner(s).

Ms. Gagandeep Grewal, Advocate
for the respondent.

Anil Kshetarpal, J.

1. This is an application, filed by the petitioner-wife, with a prayer to transfer the proceeding in a petition under Section 13 of the Hindu Marriage Act, 1955, bearing No. HMA/653/2019 titled as “Manmeet Singh Virk v. Kamaljit Kaur Virk”, presently pending before the Family Court at S.A.S.Nagar, Mohali to the Court of competent jurisdiction at Fatehgarh Sahib.

2. The petitioner claims that she is residing with her minor daughter at Fatehgarh Sahib and the respondent is forced to defend the proceedings in the petition under Section 125 Cr.P.C. and another petition under the Protection of Women from the Domestic Violation Act, 2005 at Fatehgarh Sahib.

3. On the other hand, the learned counsel representing the respondent-husband while referring to the reply has submitted that the

petitioner is also maintaining the elder daughter. It has been pointed out that the petitioner is facing trial in the FIR No. 77 dated 27.07.2019 before the Court at Derabassi.

4. Keeping in view the aforesaid facts of the case and more particularly the pendency of two litigations at Fatehgarh Sahib, the present application is allowed. The proceedings of case ***“Manmeet Singh Virk v. Kamaljit Kaur Virk”***, ***Section 13 of the Hindu Marriage Act, 1955***, presently pending before the District & Sessions Judge, S.A.S.Nagar, Mohali, are transferred to the Court of competent jurisdiction at Fatehgarh Sahib. The transferor Court is requested to remit the file of the aforesaid case to the transferee Court forthwith. The parties, through their learned counsel, are directed to appear before the Court of District and Sessions Judge at Fatehgarh Sahib on 03.11.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

October 11, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No