

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

TA-489-2021 (O&M)

Date of decision: 15.09.2021

Daisy Brar

....Petitioner

Versus

Lt. Col. Karanjit Singh Brar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.H.S.Randhawa, Advocate for the petitioner
 Mr. Mayank Mathur, 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 the petition filed by the wife under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Lt.Col. Karanjit Singh Brar vs. Daisy Brar' pending in the Court of Principal Judge, Family Court, Patiala to the Court of competent jurisdiction at Panchkula.

It has been alleged that marriage between the parties was solemnized on 08.12.2013 and the petitioner gave birth to Aveer Singh on 22.12.2014 out of the said wedlock. She claims that she alongwith her minor son, is residing at Panchkula and it is very difficult for her to travel to Patiala to attend the hearing of the case. It has further been brought to the notice of the Court that the respondent is at present posted in Assam and neither the petitioner nor the respondent reside at Patiala.

Per contra, learned counsel representing the respondent (husband) contends that the respondent is prosecuting the petition through his father, who is aged about 70 years. He further submits that the distance between Patiala and Panchkula is only 60 kms.

After hearing learned counsel for the parties, this Bench is of the considered view that the respondent can authorize any other person as per his power of attorney to prosecute the case. As the wife and her minor child are residing at Panchkula and the child is studying in a school at Panchkula, it is considered appropriate to allow the transfer application. It is directed that the proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Lt.Col. Karanjit Singh Brar vs. Daisy Brar' pending in the Court of Principal Judge, Family Court, Patiala be transferred to the Court of competent jurisdiction at Panchkula. 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, Panchkula on 06.10.2021, 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.

15.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE