

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

TA-495-2021 (O&M)

Date of decision: 15.09.2021

Sunaina

....Petitioner

Versus

Inderjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Akhilesh Vyas, Advocate for the petitioner
 Mr. C.S.Jattana, 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 petition filed by the wife under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of proceedings in petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing DMC/1058/2020 titled as 'Inderjit Singh vs. Sunaina' pending in the Court of Principal Judge, Family Court, Bathinda to the Court of competent jurisdiction at Amritsar.

The petitioner claims that she got married to the respondent on 08.11.2014. She claims that presently she alongwith her minor daughter, is residing with her aged parents at Amritsar and the distance between Amritsar and Bathinda is 190 Kms. The petitioner further claims that she cannot properly defend the petition at Bathinda.

Learned counsel for the petitioner contends that respondent (husband) is already defending an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005, at Amritsar.

Sh.C.S.Jattana, Advocate, has entered appearance on behalf of the respondent and has contested the petition. He has filed the reply on behalf of the respondent, which is taken on record. He contends that the respondent has a threat to his life from the petitioner.

The respondent can always file an application before the court for granting adequate protection. However, learned counsel representing the respondent does not dispute the factual aspect noticed above.

In view of the aforesaid, the transfer application is allowed. It is directed that the proceedings in the petition filed Section 13 of the Hindu Marriage Act, 1955, bearing DMC/1058/2020 titled as 'Inderjit Singh vs. Sunaina' pending in the Court of Principal Judge, Family Court, Bathinda be transferred to the Court of competent jurisdiction at Amritsar. 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, Amritsar 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

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE