

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

ASHOK KUMAR
2021.10.14 16:01
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TA-500-2021

Date of decision: 14.10.2021

SILKY @ DOLLY

..Petitioner

Versus

LALIT MOHAN

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Sonia G. Singh, Advocate for the petitioner.
Mr. Namit Khurana, 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 an application filed by the wife with a prayer to transfer the proceedings of the petition filed under Section 10 of the Special Marriage Act, 1954, bearing No.DMC/2/2020, titled as “Lalit Mohan vs. Silky @ Dolly” pending in the Family Court, Yamuna Nagar at Jagadhri, to the Court of competent jurisdiction at Karnal.

Learned counsel representing the petitioner submits that the respondent is already defending two litigations i.e. under Section 125 Cr.P.C. for grant of maintenance and under Section 12 of the Protection of Women from Domestic Violence Act, 2005, at Karnal.

Per contra, learned counsel for the respondent submits that the respondent is already taking care of both the children born out of the wedlock. It has been noticed that both the children are now grown ups.

The respondent does not dispute that he is already defending the proceedings in the aforementioned two cases.

Keeping in view the aforesaid facts, the petition is allowed.

The petition filed under Section 10 of the Special Marriage Act, 1954, bearing No.DMC/2/2020, titled as “Lalit Mohan vs. Silky @ Dolly” pending in the Family Court, Yamuna Nagar at Jagadhri, is ordered to be transferred to the Court of competent jurisdiction at Karnal.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The parties through their counsel are directed to appear before the transferee Court on 08.11.2021.

However, the respondent shall be at liberty to file an application for permission to appear through video conferencing which shall be considered by the Court, in accordance with law.

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

14.10.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE