

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

TA-509-2021 (O&M)

Date of decision: 10.09.2021

Priyanka Kumar @ Priyanka

....Petitioner

Versus

Sahil Arora

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Ramnish Puri, Advocate for the petitioner

None 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 petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing HMA No.116 of 2021, titled as 'Sahil Arora vs. Priyanka Kumar' pending in the Court of Principal Judge, Family Court, Kapurthala, to the Court of competent jurisdiction at Moga.

The petitioner claims she got married to the respondent on 01.12.2019. She claims that presently, she alongwith her nine months old child, is residing with her parents at Moga. She also claims that she does not have any independent source of income and cannot properly defend the petition at Phagwara, District Kapurthala.

Learned counsel for the petitioner contends that respondent (husband) is already defending three petitions at Moga i.e CS No. 361 of 2021, COMA no. 9 of 2021 and MNT No. 125/24 of 2021.

Learned counsel representing the petitioner also contends that due to administrative orders, proceedings in HMA No.116 of 2021, titled as 'Sahil Arora vs. Priyanka Kumar' at present are pending in Family Court, Phagwara.

Learned counsel representing the respondent has not come forward to attend the proceedings.

In view of the aforesaid facts, the transfer application is allowed. It is directed that proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing HMA No.116 of 2021, titled as 'Sahil Arora vs. Priyanka Kumar' pending in the Court of Family Court, Phagwara, be transferred to the Court of competent jurisdiction at Moga. 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, Moga on 01.10.2021, who shall 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.

10.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE