

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

TA-508-2021 (O&M)

Date of decision: 17.08.2021

Ramandeep Kaur

...Petitioner

Versus

Harpal Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Amandeep Kaur, Advocate for the petitioner

Mr. B.K.Saini, 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 petition has been filed by the petitioner (wife) seeking the transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA/125/2019, titled as 'Harpal Singh vs. Ramandeep Kaur' pending in the Family Court, Derabassi at District Mohali to the Court of competent jurisdiction at Tarn Taran.

The petitioner claims that the distance between Derabassi and Tarn Taran is 280 kms and she does not have any independent source of income. She further claims that it will not be possible for her to defend the petition at such a far off place. It has also been brought to the notice of the Court that an FIR No. 75 dated 13.03.2020 under Section 498-A, 406, 325, 323, 506 IPC at Police Station City Tarn Taran has been registered by the petitioner and the respondent's prayer for grant of bail is pending. Learned counsel for the petitioner contends that if the police, after investigation, presents the challan in the aforesaid

FIR then the respondent is likely to defend the prosecution at Tarn Taran. He further contends that the respondent is an able bodied person and can prosecute the petition at Tarn Taran.

Learned counsel for the respondent submits that the respondent is prepared to reimburse the travelling expenses to the petitioner. In the considered view of this Bench, this cannot be the only ground to dismiss the petition.

Keeping in view the aforesaid facts, the transfer application is allowed. It is directed that the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA/125/2019, titled as 'Harpal Singh vs. Ramandeep Kaur' pending in the Family Court, Derabassi at District Mohali be transferred to the Court of competent jurisdiction at Tarn Taran. 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, Tarn Taran on 03.09.2021, 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.

17.08.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE