

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 523 of 2021

Date of Decision: 18.08.2021

Pooja Malhotra

... Petitioner(s)

Versus

Hemant Malhotra

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Deipa Asdhir Dubey, Advocate
for the petitioner(s).

Mr. N.S.Boparai, Advocate
for the respondent.

Anil Kshetarpal, J.

1. Through this application, the petitioner (wife) seeks transfer of petition under Section 9 of the Hindu Marriage Act (*Hemant Malhotra v. Pooja Malhotra, HMA/217/2021*), presently pending in the Court of the Additional Principal Judge, Family Court at Faridabad to the Court of competent jurisdiction at Sangrur.

2. It has been pointed out that the petitioner was married to respondent on 17.08.2005 and the couple was blessed with a child, who is 14 years of age. It has further been pointed out that the wife has already filed the proceedings in the District Courts at Sangrur. Two petitions are pending in the District Courts at Sangrur, namely, proceedings under Section 125 Cr.P.C. and the Protection of Women from Domestic Violence Act, 2005.

3. Mr. N.S.Boparai, Advocate, learned counsel representing the respondent, has pointed out that the proceedings under Section 125 Cr.P.C.

as well as the Protection of Women from Domestic Violence Act, 2005, were initiated after filing of the petition under Section 9 of the Hindu Marriage Act, 1955.

4. Be that as it may. The respondent is required to defend the proceedings in the District Courts at Sangrur. The distance between Faridabad and Sangrur is approximately 345 Kms.

4. Keeping in view the aforesaid facts, the present application is allowed. The proceedings of case *Hemant Malhotra v. Pooja Malhotra, HMA/217/2021*, presently pending in the Court of the Additional Principal Judge, Family Court at Faridabad, are transferred to the Court of competent jurisdiction at Sangrur. The transferor Court is requested to remit the file of the aforesaid case to the transferee Court forthwith. The parties, through their learned counsel, are directed to appear before the Court of District and Sessions Judge at Sangrur on 17.09.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

August 18, 2021

“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No