

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 522 of 2021

Date of Decision: 17.08.2021

Rajni

... Petitioner(s)

Versus

Harish Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Jagjot Singh Lalli, Advocate
for the petitioner(s).

G.B.S.Gill, Advocate
for the respondent.

Anil Kshetarpal, J.

1. Through this application, the petitioner (wife) prays for transfer of the proceedings of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (*Harish Kumar v. Rajni, DMC No. 269 of 2021*), presently pending in the Court of Principal Judge, Family Court at Bhatinda to the Court of competent jurisdiction at Jalandhar.

2. The petitioner claims that the distance between the two places is more than 170 Kms. and she along with her minor child is presently dependent upon her aged parents. Learned counsel submits that the petitioner, being all alone, cannot defend the petition at Bhatinda.

3. On the other hand, learned counsel representing the respondent submits that the transfer of the proceedings cannot be ordered merely because the distance between the two places is long.

length, this Bench is of the considered view that the respondent is an able bodied person and is in a position to prosecute the petition at any place. The petitioner is having a minor daughter, who is merely one year of age. She further claims to be dependent upon her aged parents.

4. Keeping in view the aforesaid facts, the present application is allowed. The proceedings of case *Harish Kumar v. Rajni, DMC No. 269 of 2021, under Section 9 of the Hindu Marriage Act, 1955*, presently pending in the Court of Principal Judge, Family Court at Bhatinda, are transferred to the Court of competent jurisdiction at Jalandhar. 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 Jalandhar on 03.09.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

August 17, 2021
“DK”

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No