

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

TA-549-2021 (O&M)

Date of decision: 07.09.2021

Kavita Devi

...Petitioner

Versus

Parveen Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ram Pal Verma, Advocate for the petitioner

Mr. Ketan Antil, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

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 9 of the Hindu Marriage Act, 1955, bearing HMA 604/2020, titled as 'Parveen Kumar vs. Kavita Devi' pending in the Court of Principal Judge, Family Court, Ambala, to the Court of competent jurisdiction at Sonapat.

The petitioner claims that she got married to the respondent on 11.11.2017 and presently, she alongwith her minor child, is residing with her aged parents at Sonapat and the distance between Sonapat and Ambala is 160 Kms. The petitioner further claims that she cannot properly defend the petition at Ambala.

Learned counsel for the petitioner contends that respondent (husband) is already defending two cases at District Court, Sonapat i.e FIR no.81 dated 26.09.2020 registered under Section 323, 34, 354, 377,498-A, 406, 506 IPC at Women Police Station, Sonapat and a petition under Section 125 Cr.P.C.

Sh.Ketan Antil, Advocate, has entered appearance on behalf of the respondent and has contested the petition.

Learned counsel representing the respondent does not dispute the factual aspect noticed above.

In view of the aforesaid facts, the transfer application is allowed. It is directed that the petition filed Section 9 of the Hindu Marriage Act, 1955, bearing HMA 604/2020, titled as 'Parveen Kumar vs. Kavita Devi' pending in the Court of Principal Judge, Family Court, Ambala, be transferred to the Court of competent jurisdiction at Sonapat. 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, Sonapat on 28.09.2021, 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.

07.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE