

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

TA-552-2021 (O&M)

Date of decision: 07.09.2021

Sapna

...Petitioner

Versus

Subash Chand

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Sandeep Berwal, Advocate for the petitioner

Mr. Pawan Attri, 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 the proceedings in petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing HMA 24/2021 titled as 'Subash Chand vs. Sapna' from the Family Court, Bilaspur District, Yamunanagar to the Court of competent jurisdiction at Kurukshetra.

The petitioner claims that she got married to the respondent on 09.12.2016 and presently she alongwith her minor child, is residing with her aged parents at Kurukshetra and the distance between Yamunanagar and Kurukshetra is 80 Kms. The petitioner further claims that she cannot properly defend the petition at Yamunanagar.

Learned counsel for the petitioner contends that respondent (husband) is already defending three cases at District Court, Kurukshetra i.e FIR no. 56 dated 08.05.2021 registered under Section 323, 354, 498-A, 406 IPC at P.S. Jhansa, Kurukshetra, a petition under Section 125 Cr.P.C and an application under Section 12 of the Protection of Women from

Domestic Violence Act, 2005.

Sh.Pawan Attri, 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, the transfer application is allowed. It is directed that the petition filed Section 13 of the Hindu Marriage Act, 1955, titled as 'Subash Chand vs. Sapna' from the Family Court, Bilaspur District, Yamunanagar be transferred to the Court of competent jurisdiction at Kurukshetra. 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, Kurukshetra 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