

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 559 of 2021

Date of Decision: 16.09.2021

Lalita

... Petitioner(s)

Versus

Anil Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. G.C.Shahpuri, Advocate
for the petitioner(s).

None 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 (*Anil Kumar v. Lalita, HMA/271/2021*), presently pending in the Court of the Principal Judge, Family Court at Ambala, to the Court of competent jurisdiction at Panchkula.

2. On 14.09.2021, after noticing that the respondent has not opted to contest the petition despite service of notice, the matter was adjourned for today. Today, again the position with regard to appearance of the respondent is not different.

3. The learned counsel representing the petitioner contends that the respondent is already defending three cases i.e. petition under Section 9 of the Hindu Marriage Act, 1955, petition under Section 125 Cr.P.C. and

case under Section 12 of the Domestic Violence Act, 2005, in the District

Courts at Panchkula. The petitioner also claims that she has no independent source of income and she along with her minor child is staying at Village Natwal, Tehsil and District Panchkula, with her parents.

4. Keeping in view the aforesaid facts, the present application is allowed. The proceedings of case *Anil Kumar v. Lalita, HMA/271/2021, under Section 9 of the Hindu Marriage Act, 1955*, presently pending in the Court of the Principal Judge, Family Court, at Ambala, are transferred to the Court of competent jurisdiction at Panchkula. 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 Panchkula on 05.10.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

September 16, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No