

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

TA-579-2021 (O&M)

Date of decision: 24.09.2021

Jaspreet Kaur

...Petitioner

Versus

Hardeep Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Arshdeep Singh, Advocate for the petitioner

Mr. Navdeep Singh Kalair, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is wife's petition under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of the proceedings in petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing no.51 of 2021 titled as 'Hardeep Singh vs. Jaspreet Kaur' pending in the Court of Civil Judge (Junior Division), Chandigarh, to the Court of competent jurisdiction at Ludhiana.

The petitioner claims that she got married to the respondent on 11.10.2009. She claims that presently she alongwith her two minor children, is residing with her aged parents at Ludhiana and the distance between Chandigarh and Ludhiana is 100 Kms. The petitioner further claims that she is unemployed and does not have any independent source of income and due to that cannot properly defend the petition at Chandigarh.

Learned counsel for the petitioner contends that respondent

(husband) is already defending two cases i.e a petition under Section 125 Cr.P.C and HMA no. 1286/2021 under Section 13 of the Hindu Marriage Act, 1955, at Ludhiana.

Mr. Navdeep Singh Kalair, Advocate, has entered appearance on behalf of the respondent and has contested the petition. However, he does not dispute the factual aspect noticed above.

In view of the aforesaid, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing no.51 of 2021 titled as 'Hardeep Singh vs. Jaspreet Kaur' pending in the Court of Civil Judge (Junior Division), Chandigarh, be transferred to the Court of competent jurisdiction at Ludhiana. 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, Ludhiana on 12.10.2021, 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.

24.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE