

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

TA-587-2021 (O&M)

Date of decision: 02.09.2021

Balwinder Kaur

...Petitioner

Versus

Sukhdev Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Divij Dutt, Advocate and
Mr. Himmat Singh Sidhu, Advocate for the petitioner
Mr. Sukhdev Singh, respondent no.1 in person
Mr. R.S.Chauhan, Advocate for respondents

ANIL KSHETARPAL, J (Oral)

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

On 18.08.2021, while issuing notice of motion, the following order was passed by this Court:-

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

This petition has been filed by the wife seeking the transfer of the Civil Suit No.648 of 2020, titled as “Sukhdev Singh vs. Balwinder Kaur and others”, pending in the Court of Additional Civil Judge (Sr. Division), at Garshankar to the Court of competent jurisdiction at Nawanshehar (SBS Nagar).

The petitioner claims that she got re-married to the respondent on 17.03.2018. She further claims that out of the first marriage, she was blessed with a male child and from the second marriage, she has been blessed with a female child. She claims that presently, she is residing with her parents at Nawanshehar and the distance between Garshankar and Nawanshehar is 25 Kms. The petitioner further claims that she cannot properly defend the petition at Garshankar.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Nawanshehar:-

(i) Under Section 12 of the Domestic Violence Act, 2005;

(ii) Petition under Section 125 Cr.P.C., for maintenance
(iii) FIR No.49, dated 01.05.2021, under Section 498-A
IPC, PS Rahon, District SBS Nagar.

The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 02.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Bhagu Ram, at District Courts, Garshankar.

Dasti also.”

Sh.Sukhdev Singh, respondent no.1 (husband) has entered appearance in person and Sh.R.S.Chauhan, Advocate has entered appearance on behalf of the respondents.

Sh. Sukhdev Singh, respondent no.1 in person, submits that he has an apprehension of being physically assaulted by the brothers of his wife (petitioner) presupposing he has to attend the court proceedings in District Court, Nawanshahr.

Since the respondent is already defending three litigations pending in District Court, Nawanshahr. There is no complaint in this regard. Hence, the present petition is allowed. However, the respondent shall be at a liberty to move an application to the trial court for providing the adequate protection.

It is directed that Civil Suit No.648 of 2020, titled as “Sukhdev Singh vs. Balwinder Kaur and others”, pending in the Court of Additional Civil Judge (Sr. Division), at Garshankar be transferred to the Court of competent jurisdiction at Nawanshahr. 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 Civil Judge (Senior Division), Nawanshahr on 22.09.2021, who would either

try the case himself or assign the same to the court of competent jurisdiction in the respective District.

All the pending miscellaneous applications, if any, are also disposed of.

02.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE