

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

205

**TA-589-2021(O&M)
Date of Order: 28.09.2021**

MAMTA

..Petitioner

Versus

SUBHASH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Gitanjali Chhabra, Advocate
for the petitioner.

Mr. S.S. Mor, Advocate
for Mr. Rajat Mor, Advocate
for 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 an application filed by the wife of the respondent for transfer of the proceedings in a petition under Section 9 of the Hindu Marriage Act, 1955, bearing case No.DMC/529/2019, titled as “Subhash Vs. Mamta”, presently pending in the Court of District Judge, Family Court, Bhiwani, to the Court of competent jurisdiction at Hisar.

The learned counsel representing the petitioner contends that the respondent is already defending proceedings in following two cases at Hisar:-

- i) Under Section 125 Cr.P.C., and,
- ii) Complaint under the Protection of Women from Domestic Violence Act, 2005.

It is further asserted that the petitioner is presently residing with her parents at Hisar. Sh. S.S. Mor, Advocate, learned counsel representing the respondent has stated that the petition under Section 9 of the Hindu Marriage Act, 1955, is pending for the last two years and the application should not be allowed at this stage.

After having heard arguments of learned counsels representing the parties, this Bench is of the considered view that since the respondent is already defending proceedings in two cases referred to above, proceedings in a petition under Section 9 of the Hindu Marriage Act, 1955, should be transferred to the Court of competent jurisdiction at Hisar.

Hence, the petition is allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955, bearing case No.DMC/529/2019, titled as “Subhash Vs. Mamta”, presently pending in the Court of District Judge, Family Court, Bhiwani, is ordered to be transferred to the Court of competent jurisdiction at Hisar.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The parties through their counsel are directed to appear before the transferee Court on 14.10.2021.

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

September 28, 2021

Ay

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned	: Yes/No
Whether reportable	: Yes/No