

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

209

TA-595-2021(O&M)
Date of Order: 06.09.2021

SARABJIT KAUR

..Petitioner

Versus

JARNAIL SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S. Bajwa, Advocate
for the petitioner.

Mr. Manjinder Singh Saini, 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.

On 17.08.2021, the following order was passed:-

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

C.M.No.6964-CII of 2021

Allowed as prayed for.

Annexure P-2 to P-4 are taken on record.

MAIN

This petition has been filed by the wife seeking the transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/302/2020, titled as Jarnail Singh vs. Sarabjit Kaur”, pending in the Court of Principal Judge, Family Court, District Moga, to the Court of competent jurisdiction at Amritsar.

The petitioner claims that she got married to the respondent on 27.01.2002 and they have been blessed with one male child and one female child. She claims that presently she is residing with her parents at Manawala, Amritsar and the distance between Moga and Amritsar is 150 Kms. The petitioner further claims that she cannot properly defend the petition at Moga. She also claims that there is no direct bus service.

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

- (i) Domestic Violence Act, 2005;
- (ii) Petition under Section 125 Cr.P.C., for maintenance
- (iii) Complaint under Section 406/498-A/506/120B IPC, at Police Station Chattiwind, Amritsar.

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 her counsel Ms. Kulwant Virk, Advocate, at District Courts, Moga.

Dasti also.”

Sh. Manjinder Singh Saini, Advocate, has entered appearance for respondent and filed a reply by taking a stand that the respondent has not received the summons in any other proceedings noticed in the order.

It has further been brought to the notice of the Court that the respondent is taking care of two children born from the wedlock of the petitioner and the respondent.

It is evident that the elder daughter of the parties has already become major, whereas, youngest daughter is 15 year old.

It is not disputed that following three proceedings are pending at Amritsar:-

- (i) Domestic Violence Act, 2005;
- (ii) Petition under Section 125 Cr.P.C. for maintenance;
- (iii) Complaint under Section 406, 498-A, 506, 120B IPC, at Police Station Chattiwind, Amritsar.

Keeping in view the aforesaid facts, the petition is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/302/2020, titled as “Jarnail Singh Vs. Sarabjit Kaur” pending in the Court of Principal Judge, Family Court, District Moga, is ordered to be transferred to the Court of competent jurisdiction at Amritsar.

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

The petitioner through her counsel is directed to appear before the transferee Court on 27.09.2021.

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

September 06, 2021

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**(ANIL KSHETARPAL)
JUDGE**

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