

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

TA-617-2021 (O&M)

Date of decision: 05.10.2021

Yogita Sharma

....Petitioner

Versus

Anil Kumar Sharma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Bishnoi, Advocate for the petitioner

None for the respondent

ANIL KSHETARPAL, J (Oral)

This is the petition filed by the wife under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of proceedings in petition filed under Section 9 of the Hindu Marriage Act, 1955, titled as 'Anil Kumar Sharma vs. Yogita Sharma' pending in the Court of District Judge, Family Court, Loharu, to the Court of competent jurisdiction at Hisar.

The petitioner claims that she got married to the respondent on 28.02.2020 and presently, she is residing with her aged parents at Hisar and the distance between Hisar and Loharu is 95 Kms. The petitioner further claims that she cannot properly defend the petition at Loharu.

Learned counsel for the petitioner contends that respondent (husband) is already defending three cases at District Court, Hisar i.e FIR no.98 dated 27.08.2020 registered under Section 313, 323, 34, 498-A, 406, IPC, a petition under Section 125 Cr.P.C and an application

under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

As per the office report, the respondent has been served, however, he remains un-represented.

In view of the aforesaid uncontroverted facts, the transfer application is allowed. It is directed that the proceedings in petition filed Section 9 of the Hindu Marriage Act, 1955, titled as 'Anil Kumar Sharma vs. Yogita Sharma' pending in the Court of District Judge, Family Court, Loharu, be transferred to the Court of competent jurisdiction at Hisar. 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, Hisar on 25.10.2021, 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.

05.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE