

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

208

TA-635-2021 (O&M)

Date of decision: 02.09.2021

KAVITA

..Petitioner

Versus

HEMANT

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajesh Duhan, Advocate for the petitioner.

Mr. Krishan Singh, 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.

On 11.08.2021, the following order was passed:-

This is wife's petition under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of petition, filed under Section 9 of the Hindu Marriage Act, 1955, titled as 'Hemant Vs. Kavita' pending in the Court of Principal Judge, Family Court, Yamunanagar, to the Court of competent jurisdiction at Karnal.

It has been asserted that a petition under Section 125 Cr.P.C. and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, are pending at Karnal, and the petitioner is residing along with three minor children at her parental house in Karnal.

Notice of motion for 25.08.2021.

Dasti also.

The petitioner shall be at liberty to serve the respondent through his counsel Sh. Vijay Kumar Chaudhary, at the District Court, Yamunanagar at Jagadhari.

Sh. Krishan Singh, Advocate, has entered appearance for the

respondent and filed reply by way of affidavit, which is taken on record. It

has been alleged that the complaint under Section 125 Cr.P.C. has been filed

after receipt of notice of the petition under Section 9 of the Hindu Marriage

It is apparent that the petitioner is residing with her three minor children at village Nagla Megha, District Karnal. The respondent is already defending two litigations at Karnal.

Keeping in view the aforesaid facts, the petition is allowed. The case file of 'Hemant vs. Kavita' bearing registered No.282/2020, dated 26.06.2020, CNR No.HRYN010025952020 pending in the Court of Principal Judge, Family Court, Yamunanagar, is ordered to be transferred to the Court of competent jurisdiction at Karnal. The transferor Court is requested to remit the case file to the transferee Court forthwith. The petitioner is directed to appear before the District Judge, Karnal, on 22.09.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Karnal.

All the pending miscellaneous application(s), if any, are also disposed of.

02.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE