

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

ASHOK KUMAR
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TA-673-2021 (O&M)

Date of decision: 06.10.2021

MANDEEP KAUR AND ANR.

..Petitioners

Versus

NITIN MUKESH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ramesh Sharma, Advocate for the petitioners.
None 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.

This is an application filed by the petitioners with a prayer to transfer the proceedings in the following petitions, from the Family Court, Hoshiarpur Camp at Mukerian, to the Court of competent jurisdiction at Kapurthala:-

1. A petition bearing No.HMA/46/2021 (Nitin Mukesh vs. Mandeep Kaur) filed under Section 9 of the Hindu Marriage Act, 1955.
2. A petition filed under Section 9 and 25 of the Guardians and Wards Act, 1890.

The petitioner claims that the respondent is already defending the proceedings in a petition under Section 125 Cr.P.C. and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005, at Kapurthala.

This application has been filed by the wife and her minor child who are stated to be residing at Kapurthala. The distance between the Court

at Mukerian and the village of the petitioner is stated to be 100 kms. She is also alleged to be having no independent source of income.

As the respondent has not entered appearance, the aforesaid facts remain uncontroverted. Hence, the petition is allowed. The proceedings in the petition bearing HMA/46/2021 (Nitin Mukesh vs. Mandeep Kaur) filed under Section 9 of the Hindu Marriage Act, 1955 and a petition under Section 9 and 25 of the Guardians and Wards Act, 1890, pending in the Family Court, Hoshiarpur Camp at Mukerian, are ordered to be transferred to the Court of competent jurisdiction at Kapurthala. The transferor Court is requested to remit the case file to the transferee Court forthwith. The parties are directed to appear before the District Judge, Kapurthala, on 22.10.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Kapurthala.

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

06.10.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE