

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

TA-711-2021 (O&M)

Date of decision: 01.09.2021

Kusum Kumari

...Petitioner

Versus

Chandan Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Sunil Agnihotri, Advocate for the petitioner

Mr. Rajesh Bansal, 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.

While issuing notice of motion on 16.08.2021, the following order was passed by this Court:-

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

This petition has been filed by the wife seeking the transfer of the petition filed under Section 13(1) of the Hindu Marriage Act, 1955, bearing No.DMC/456/2021, titled as 'Chandan Kumar vs. Kusum Kumari' pending in the Family Court, Panipat camp court at Samalkha to the Court of competent jurisdiction at Hoshiarpur.

The petitioner claims that she got married to the respondent on 27.06.2016. She claims that, at present, she is residing with her aged parents at Hoshiarpur and the distance between Hoshiarpur and Panipat is more than 375 Kms. The petitioner further claims that she cannot properly defend the petition at Panipat.

Notice of motion for 01.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel at District Courts, Panipat.

Dasti also.”

Sh.Rajesh Bansal, Advocate, has entered appearance on behalf of the respondent and has contested the petition.

Learned counsel representing the respondent does not dispute the factual aspect noticed in the order dated 16.08.2021.

In view of the aforesaid, the transfer application is allowed. It is directed that the petition filed under Section 13(1) of the Hindu Marriage Act, 1955, bearing No.DMC/456/2021, titled as 'Chandan Kumar vs. Kusum Kumari' pending in the Family Court, Panipat camp court at Samalkha be transferred to the Court of competent jurisdiction at Hoshiarpur. 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, Hoshiarpur on 28.09.2021, who would 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.

01.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE