

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

102+211

TA-704-2021 (O&M)

Date of decision: 09.09.2021

PARAMJIT

..Petitioner

Versus

RAKESH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Savita Rana, Advocate for the petitioner.
Mr. Parminder Singh, Advocate for the respondent.

ANIL KSHETARPAL, J (Oral)

CM No.8224-CII of 2021

Allowed as prayed for. Reply of the respondent is taken on
record.

Main Case

Through this application, the petitioner (the respondent's wife)
prays for transferring the proceedings of the petition (HMA-68 of 2021
'Rakesh vs. Paramjit') filed under Section 13(1)(i-a) of the Hindu Marriage
Act, 1955 pending in the Court of Family Court, Karnal to the Court of
competent jurisdiction at Panchkula.

It has been pointed out that the petitioner is maintaining two
children born out of the wedlock of petitioner and respondent. The
respondent is already defending three litigations at District Court, Panchkula.

The first one is under the Protection of Women from Domestic Violence Act,
2005, the second is the petition under Section 125 Cr.P.C. for grant of

maintenance and the third is a trial in FIR No.9 dated 04.02.2020.

Learned counsel representing the respondent contends that three different suits are pending at Karnal. On perusal of the aforesaid proceedings, it is apparent that aforesaid suits are with respect to immovable property located in Karnal, therefore, the Court at Karnal has the territorial jurisdiction.

Keeping in view the aforesaid facts, the petition is allowed. The proceedings in petition (HMA-68 of 2021 'Rakesh vs. Paramjit') filed under Section 13(1)(i-a) of the Hindu Marriage Act, 1955, pending in the Court of Family Court, Karnal, are ordered to be transferred to the Court of competent jurisdiction at Panchkula. 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, Panchkula, on 30.09.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Panchkula.

09.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE