

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

213

TA-721-2021 (O&M)

Date of decision: 08.09.2021

POOJA GUPTA

..Petitioner

Versus

ATUL GUPTA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Inderjeet Singh, Advocate for the petitioner.

Mr. Rahul Deswal, 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 17.08.2021, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the case bearing No.HMA/1329/2019, titled as “Atul Gupta Vs. Pooja Gupta”, pending in the Court of Principal Judge, Family Court, Karnal to the Court of competent jurisdiction at Bilaspur, District Yamunanagar, Haryana.

The petitioner claims that she got married to the respondent on 29.09.2009 and they have been blessed with one male child. She claims that presently she is residing with her parents at Chhachrauli, Teshil Chhachrauli, District Yamunanagar, Haryana and the distance between Chhachrauli, District Yamunanagar, Haryana and Karnal is 90 Kms. The petitioner further claims that she cannot properly defend the petition at Karnal.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Bilaspur, District Yamunanagar, Haryana:-

- (i) Under Section 9 of Hindu Marriage Act, 1955;
- (ii)Guardian & Wards Act (Case No.GW/25/2020);
- (iii) Under Section 125 Cr.P.C.;
- (iv) Complaint under Domestic Violence Act.

He contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 02.09.2021.

The liberty is granted to the petitioner to serve the

respondent through his counsel Sh.Bal Krishan Sharma, at District Courts, Karnal.

Dasti also.”

Learned counsel representing the respondent contends that the petition under the Guardian & Wards Act, 1890 is maintainable at Karnal as the son of the couple is residing at Karnal. He further contends that the petition under Section 9 of the Hindu Marriage Act, 1955 has been filed after filing of the divorce petition.

It is apparent that the respondent is already defending four different litigations at Yamuna Nagar.

Keeping in view the aforesaid facts, the petition is allowed. The proceedings of case bearing No.HMA/1329/2019 (Atul Gupta vs. Pooja Gupta) pending in the Court of Principal Judge, Family Court, Karnal, is ordered to be transferred to the Court of competent jurisdiction at Bilaspur, District Yamuna Nagar. 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, Yamuna Nagar, on 29.09.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Bilaspur, District Yamuna Nagar.

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

08.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE