

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

212

TA-712-2021 (O&M)

Date of decision: 08.09.2021

AMARJIT KAUR

..Petitioner

Versus

JASPAL SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. SS Gill, Advocate for the petitioner.

Mr. Abhay K. Sharma, 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 16.08.2021, the following order was passed:-

This petition has been filed by the wife seeking the transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No.HMA/30/2021, titled as 'Jaspal Singh vs. Amarjit Kaur' pending in the Court of Additional Civil Judge, (Senior Division), Phagwara to the Court of competent jurisdiction at Sirsa Camp at Ellenabad.

The petitioner claims that at present, she is residing with her parents at Sirsa and cannot properly defend the petition at Phagwara. Learned counsel representing the petitioner places reliance on the litigation pending in the Family Court, Sirsa, under Section 125 Cr.P.C. He further contends that a petition filed under Section 12 of the Protection of Women from Domestic Violence Act, 2005, is also pending at District Court, Sirsa.

Notice of motion for 31.08.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Vijay Kumar Sharma, District Courts, Phagwara.

Dasti also.

Learned counsel for the petitioner contends that the distance between Phagwara and Ellenabad is 270 kms. The petitioner is taking care of

two minor daughters.

On the other hand, learned counsel for the respondent contends that the respondent's vision is impaired.

The respondent is already defending two litigations at Sirsa. The wife is taking care of two daughters and distance between the two places is 270 kms.

Keeping in view the aforesaid facts, the petition is allowed. The proceedings of case bearing No.HMA/30/2021 (Jaspal Singh vs. Amarjit Kaur) pending in the Court of Additional Civil Judge (Sr. Div.), Phagwara, is ordered to be transferred to the Court of competent jurisdiction at Sirsa Camp at Ellenabad. 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, Sirsa, on 29.09.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Sirsa Camp at Ellenabad.

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