

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 731 of 2021

Date of Decision: 16.09.2021

Meenakshi

... Petitioner(s)

Versus

Varinder Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Manoj Pundir, Advocate
for the petitioner(s).

Mr. Nitin Sharma, Advocate
for the respondent.

Anil Kshetarpal, J.

CM-8428-CII-2021

1. The application is allowed, as prayed for. Reply filed by the respondent is taken on record.

TA-731-2021

2. On 19.08.2021, the following order was passed:-

“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 of the Hindu Marriage Act, 1955, bearing HMA/10/2021 titled as 'Varinder Kumar vs. Meenakshi' pending in the Court of Principal Judge, Family Court, Kapurthala to the Court of competent jurisdiction at Yamuna Nagar.

The petitioner claims that she got married to the respondent on 05.02.2013.

Learned counsel representing the petitioner contends that the respondent-husband is already facing trial in three cases in District Courts, Yamuna Nagar i.e. FIR 158, dated 29.12.2018 registered under Section 498-A, 323, 406, 506 IPC, petition under Section 125 Cr.P.C and an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005.

Notice of motion for 07.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Shamsher Singh, District Court, Kapurthala. Dasti also”.

3. The learned counsel representing the respondent contends that the petitioner has failed to comply with the order dated 11.10.2019, passed in a petition under Section 9 of the Hindu Marriage Act, 1955, for restitution of conjugal rights. The Court while deciding the case will take it into consideration its effect. The distance between Kapurthala and Yamuna Nagar is stated to be 260 Kms.

4. Keeping in view the aforesaid facts, the present application is allowed. For the reasons stated in the order dated 19.08.2021, the proceedings of case ***Varinder Kumar vs. Meenakshi, HMA/10/2021, under Section 13 of the Hindu Marriage Act, 1955***, presently pending in the Court of Principal Judge, Family Court at Kapurthala, are transferred to the Court of competent jurisdiction at Yamuna Nagar. The transferor Court is requested to remit the file of the aforesaid case to the transferee Court

forthwith. The parties, through their learned counsel, are directed to appear before the Court of District and Sessions Judge at Yamuna Nagar on 05.10.2021, who may try the case himself or assign it to any other Presiding Judge having jurisdiction.

(Anil Kshetarpal)
Judge

September 16, 2021

“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No