

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

110

**TA-784-2021(O&M)  
Date of Order:01.09.2021**

**GARIMA**

**..Petitioner**

**Versus**

**KUNAL SETHI**

**..Respondent**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Paramjit Singh Thiara, Advocate  
for the petitioner

**ANIL KSHETARPAL, J(Oral)**

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

The petitioner filed the transfer application i.e. TA No.413 of 2017, which was allowed on 26.07.2017, with the following order:-

*“Garima, the petitioner-wife, has prayed for transfer of divorce petition titled Kunal Sethi Vs. Garima pending in the Court of District Judge, Family Court, Hisar to a Court of competent jurisdiction at Hoshiarpur.*

*Counsel for the petitioner would submit that there is distance of 325 KMs between Hisar and Hoshiarpur, therefore, it is too inconvenient for the petitioner to defend the proceedings at Hisar more particularly in the circumstances that the applicant suffered brain stroke in January 2013, admitted by the respondent in the petition for divorce.*

*Reply filed by the respondent in the Court is taken on record.*

*Counsel for the respondent would submit that the respondent is a practicing Advocate at Hisar. In case the petition is transferred to a Court at Hoshiarpur, it may cause serious setback to his profession as an Advocate as he would be spending at least 3 days' time to attend a single hearing at Hoshiarpur. It is further submitted that taking into consideration convenience and inconvenience of both the parties, the petition may be transferred to a Court of competent jurisdiction at Chandigarh.*

*Counsel for the petitioner has got no objection if the petition is transferred to a Court at Chandigarh.*

*In view of the above, petition under Section 13 of the Hindu Marriage Act, 1955, DMC/808/2016 titled Kunal Sethi Vs. Garima is withdrawn from the Court of District Judge, Family Court, Hisar and is transferred to the Court of District Judge, Family Court, Chandigarh.*

*The petitioner would be at liberty to file an appropriate application before the Court at Chandigarh claiming maintenance and travelling expenses etc.*

*Disposed of accordingly.”*

The learned counsel representing the petitioner contends that in accordance with the direction in the previous order, the petitioner filed an application for grant of maintenance and travelling expenses, however, no effective order has been passed.

The remedy, if any, for not passing an effective order lies before the Court of competent jurisdiction as provided under the law.

In the considered view of this Bench, this cannot be a ground to file another transfer application.

Dismissed.

September 01, 2021  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No