

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

TA-749-2021 (O&M)

Date of decision: 14.09.2021

Neetu

...Petitioner

Versus

Sandeep Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Raj Kapoor Malik, Advocate for the petitioner

Mr. Robin Singh Hooda, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion on 24.08.2021, the following order was passed by this Court:-

“This petition has been filed by the wife seeking the transfer of the petition filed under Section 11 of the Hindu Marriage Act, 1955, bearing No.DMC/455/2021, titled as 'Sandeep Kumar vs. Neetu' pending in the Court of Additional Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Kaithal.

The petitioner claims that she got married to the respondent on 03.08.2019. She claims that at present, she is residing with her parents at Kaithal and cannot properly defend the petition at Rohtak.

Learned counsel representing the petitioner contends that the respondent (husband) is already facing trial in three cases in District Courts, Kaithal i.e. FIR No. 138 dated 24.10.2020 registered under Section 323, 377, 406, 498-A, 506, 34 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 14.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel in District Court, Rohtak.

Dasti also.”

Sh.Robin Singh Hooda, Advocate, has entered appearance

on behalf of the respondent and has contested the petition. He contends

that the petitioner is guilty of withholding information with regard to her previous marriage and that the respondent is taking care of his 62 years old widowed mother.

It is not in dispute that the respondent (husband) is already facing trial in three cases at District Court, Kaithal. Hence, for the reasons mentioned in the order dated 24.08.2021, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 11 of the Hindu Marriage Act, 1955, bearing No.DMC/455/2021, titled as 'Sandeep Kumar vs. Neetu' pending in the Court of Additional Principal Judge, Family Court, Rohtak be transferred to the Court of competent jurisdiction at Kaithal. The transferor court is directed to remit the file of the case to the transferee court forthwith. The parties through their counsel are directed to appear before the District & Sessions Judge, Kaithal on 05.10.2021, who shall either try the case himself or assign the same to the court of competent jurisdiction in the District.

All the pending miscellaneous applications, if any, are also disposed of.

14.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE