

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

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**TA-752-2021(O&M)
Date of Order: 16.09.2021**

DEEPIKA

..Petitioner

Versus

HEMANT AGGARWAL

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Pavit Mattewal, Advocate, and
Mr. Sukhcharan Singh Gill, Advocate
for the petitioner.

Mr. Amit Jhanji, Sr. Advocate
with Ms. Nikita Garg, Advocate, and
Mr. Siddharth Bhukkal, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing as
prayed by the learned counsels.

On 25.08.2021, the following order was passed:-

“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 case No. DMC/553/2021, titled as “ Hemant Aggarwal vs. Deepika”, pending in the Court of Principal Judge, Family Court, at Patiala to the Court of competent jurisdiction at Chandigarh.

The petitioner claims that she got married to the respondent on 29.09.2017 and no child was born out from this wedlock. The petitioner further claims that earlier she was got married and from that wedlock, she was blessed with one male child, who is residing with her. She claims that she is working as an Assistant Architect in the office of Chief Architect, Department of Urban Planning, U.T. Secretariat, Chandigarh. The petitioner claims that presently, she is residing with her aged parents at Chandigarh and the distance between Patiala and Chandigarh is 70 Kms. The petitioner further claims that she cannot properly defend the petition at Patiala.

*The learned counsel representing the petitioner contends that it will be very difficult for the petitioner to travel on each date of hearing.
Notice of motion for 16.09.2021.*

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. H.P.S.Verma and Sh. Prateek Verma, at District Courts, Patiala.

Dasti also”

Reply to the application is filed contesting the prayer made in the application.

Learned counsel representing the respondent contends that the convenience of the wife of the respondent cannot be the only ground to transfer the proceedings.

He further contends that the parents of the respondent are suffering from multiple diseases and therefore, it will not be easy for him to defend the proceedings at Chandigarh. He also points out that the respondent is also suffering from slip disc.

Learned counsel representing the petitioner contends that the sister of the respondent is a practising lawyer at Chandigarh.

Keeping in view the aforesaid facts, it is considered appropriate to allow the application.

The petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing case No.DMC/553/2021, titled as “Hemant Aggarwal Vs. Deepika”, pending in the Court of Principal Judge, Family Court, Patiala, is ordered to be transferred to the Court of competent jurisdiction at Chandigarh.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The parties through their counsels are directed to appear before the transferee Court on 06.10.2021.

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

September 16, 2021

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**(ANIL KSHETARPAL)
JUDGE**

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