

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

212

TA-763-2021(O&M)
Date of Order: 21.09.2021

BALJIT KAUR

..Petitioner

Versus

AVTAR SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Munish Gulati, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

As per the office report, notice issued to the respondent received back served, however, he remains unrepresented.

On 26.08.2021, 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 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/176/2021 and the petition filed under Section 25 of the Guardian and Wards Act, 1890, bearing case No.GW/18/2021, titled as “Avtar Singh vs. Baljit Kaur”, pending in the Court of Additional Civil Judge (Sr. Division), Malerkotla, District Sangrur, to the Court of competent jurisdiction at Ferozepur.

The petitioner claims that she got married to the respondent on 16.04.2010 and they have been blessed with one male child. She claims that presently, she is residing with her parents at Ferozepur and the distance between Malerkotla, District Sangrur and Ferozepur is 153 Kms. The petitioner further claims that she cannot properly defend the petition at Malerkotla, District Sangrur.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Ferozepur:-

- (i) Under Section 125 Cr.P.C.*
- (ii) Under Section 12 of the Domestic Violence Act, 2005.*

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

Notice of motion for 21.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel at Civil Courts, Malerkotla, District Sangrur.

Dasti also.”

Keeping in view the uncontroverted facts noticed in the Order dated 26.08.2021, the petition is allowed.

The proceedings under Section 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/176/2021, and a petition filed under Section 25 of the Guardian and Wards Act, 1890, bearing case No.GW/18/2021, titled as “Avtar Singh Vs. Baljit Kaur”, pending in the Court of Additional Civil Judge (Sr. Division), Malerkotla, District Sangrur, are ordered to be transferred to the Court of competent jurisdiction at Ferozepur.

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

The parties through their counsel are directed to appear before the transferee Court on 08.10.2021.

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

September 21, 2021

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No