

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

TA-756-2021 (O&M)

Date of decision: 17.09.2021

Kudrat Samra

...Petitioner

Versus

Raja Vikram Deep Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Binderjit Singh, Advocate for the petitioner
Mr. Vikas Arora, Advocate for the respondent

ANIL KSHETARPAL, J (Oral)

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

While issuing notice of motion on 25.08.2021, the following order was passed by this Court:-

“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 6 of the Hindu Minority and Guardianship Act, 1956, read with Section 25 of the Guardians and Wards Act, 1890, bearing case No.GW/10/2021, titled as “Raja Vikram Deep Singh vs. Kudrat Samra, pending in the Court of Principal Judge, Family Court (Camp Court) Baba Bakala Sahib, District Amritsar, to the Court of competent jurisdiction at Bathinda.

The petitioner claims that she got married to the respondent on 23.11.2013 and they have been blessed with one male child. She claims that presently, she is residing with her parents at Dera Baba Jaimal Singh, Beas, Tehsil Baba Bakala Sahib, District Amritsar. The petitioner further claims that she cannot properly defend the petition at Baba Bakala Sahib, District Amritsar.

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

(i) Under Section 13 of the Hindu Marriage Act, 1955, filed by the petitioner.

(ii) Under Section 9 of the Hindu Marriage Act, 1955, filed by the respondent (Husband)

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

Notice of motion for 17.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. V.K.Singh Malhotra, at Camp Courts, Baba Bakala Sahib, Amritsar.

Dasti also.”

Learned counsel representing the respondent has drawn the attention of the Court to the memo of parties to contend that the petitioner at present is staying in Quarter No.SR-23, Dera Baba Jaimal Singh, Beas, which falls within the territorial jurisdiction of Tehsil Baba Bakala Sahib, District Amritsar. He further contends that the petitioner's mother is also serving in Beas. He submits that once the proceedings are pending at a place where the petitioner along with her child is staying, hence, the proceedings should not be transferred to Bathinda.

Learned counsel for the petitioner contends that two litigations are pending at Bathinda and both the parties are permanent residents of Bathinda.

This Bench has considered the submissions. As it is not in dispute that the petitioner alongwith her minor child is staying within the territorial jurisdiction of Baba Bakala Sahib, District Amritsar, on that account, no ground to transfer the petition is made out.

Hence, dismissed.

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

17.09.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE