

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

TA-758-2021 (O&M)

Date of decision: 20.09.2021

Radha Talwar

...Petitioner

Versus

Varun Chhabra

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Rajiv Joshi, Advocate for the petitioner
Mr.K.S.Dhillon, 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 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/123/2021, titled as “Varun Chhabra vs. Radha”, pending in the Court of Chief Judicial Magistrate, Jalandhar, to the Court of competent jurisdiction at Ludhiana.

The petitioner claims that she got married to the respondent on 13.12.2018 and they have been blessed with one male child. She claims that presently, she is residing with her parents at Ludhiana and the distance between Jalandhar and Ludhiana is 61 Kms. The petitioner further claims that she cannot properly defend the petition at Jalandhar.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, Ludhiana.

(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 20.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Davinder Moudgill, Sh. Rajbir Singh and Sh. Gaurav Bangur, at District Courts, Jalandhar.

Dasti also.”

Sh.K.S.Dhillon, Advocate, has entered appearance on behalf of the respondent and contested the petition. He contends that the petitioner's father and uncle are practising Advocates at District Court, Ludhiana and therefore, he has no objection if the proceedings are transferred to any place in between Ludhiana and Jalandhar.

After discussing the matter with the learned counsel for the parties, a consensus has been arrived at and therefore, it is directed that the proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/123/2021, titled as “Varun Chhabra vs. Radha”, pending in the Court of Chief Judicial Magistrate, Jalandhar be transferred to the Court of competent jurisdiction at Phillaur, which is at a distance of 15-20 kms from Ludhiana. 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 Family Court at Phillaur on 08.10.2021.

Disposed of.

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

20.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE