

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

TA-760-2021 (O&M)

Date of decision: 20.09.2021

Sukhjinder Kaur

...Petitioner

Versus

Sarbjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.G.S.Sandhu, Advocate for the petitioner

Mr.V.K.Sandhir, 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 26.08.2021, 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 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/1826/2019, titled as “Sarbjit Singh vs. Sukhjinder Kaur”, pending in the Court of Additional Principal Judge, Family Court, Amritsar, to the Court of competent jurisdiction at Kapurthala.

The petitioner claims that she got married to the respondent on 16.04.2016. She claims that presently, she is residing with her parents at Kapurthala and the distance between Amritsar and Kapurthala is 76 Kms.

The petitioner further claims that she cannot properly defend the petition at Amritsar.

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

(i) FIR No.181, dated 29.06.2021, registered under Section 313/498-A/406 IPC, at Police Station Sultanpur Lodhi, Distt.Kapurthala.

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. Sandeep Gorsl, at District Courts, Amritsar.

Dasti also.”

Sh.V.K.Sandhir, Advocate, has entered appearance on behalf of the respondent and states that he has no objection if the proceedings are transferred to Tarn Taran, which falls in between Amritsar and Kapurthala.

Learned counsel representing the respondent does not dispute the factual aspect noticed in the order dated 26.08.2021.

In view of the aforesaid, the transfer application is allowed.

It is directed that the proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/1826/2019, titled as “Sarbjit Singh vs. Sukhjinder Kaur”, pending in the Court of Additional Principal Judge, Family Court, Amritsar be transferred to the Court of competent jurisdiction at Kapurthala. 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, Kapurthala on 08.10.2021, 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.

20.09.2021

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Whether speaking/reasoned : Yes/No

(ANIL KSHETARPAL)
JUDGE