

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

TA-761-2021 (O&M)

Date of decision: 20.09.2021

Pinki

...Petitioner

Versus

Navdeep

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Piyush Aggarwal, Advocate for the petitioner

Mr.S.S.Kanwar, 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.521/06.11.2019, titled as “Navdeep vs. Pinki”, pending in the Court of Principal Judge, Family Court, Rohtak, to the Court of competent jurisdiction at Jhajjar.

The petitioner claims that she got married to the respondent in the month of April, 2016. She claims that presently, she is residing with her parents at Jhajjar and the distance between Rohtak and Jhajjar is more than 35 Kms. The petitioner further claims that she cannot properly defend the petition at Rohtak.

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

(i) Under Section 125 Cr.P.C.

(ii) Under Section 12 of the Domestic Violence Act, 2005.

(iii) FIR under Section 498-A/506/34 IPC, pending in the Court of JMIC, Bahadurgarh.

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. Raj Kumar Dahiya, at District Courts, Rohtak.

Dasti also.”

Sh.S.S.Kanwar, Advocate, has entered appearance on behalf of the respondent and has contested the petition.

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.521/06.11.2019, titled as “Navdeep vs. Pinki”, pending in the Court of Principal Judge, Family Court, Rohtak, be transferred to the Court of competent jurisdiction at Jhajjar. 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, Jhajjar, 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

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE