

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

ASHOK KUMAR
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TA-782-2021 (O&M)

Date of decision: 27.09.2021

JYOTI SHARMA

..Petitioner

Versus

VARINDER KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Bikramjit Singh, Advocate for the petitioner.

Mr. APS Rehan, 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.

On 01.09.2021, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the case bearing No.HMA/196/2020, titled as “Varinder Kumar vs. Jyoti Sharma”, pending in the Court of Principal Judge, Family Court, camp at Batala, District Gurdaspur, to the Court of competent jurisdiction at SBS Nagar (Nawanshahr).

The petitioner claims that she got married to the respondent on 29.01.2007. She claims that presently, she is residing with her parents at SBS Nagar (Nawanshahr) and the distance between Gurdaspur and SBS Nagar (Nawanshahr) is approximately 120 Kms. The petitioner further claims that she cannot properly defend the petition at Gurdaspur.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Courts, SBS Nagar (Nawanshahr):-

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

The learned counsel representing the petitioner contends that she met with an accident about 12 years back and presently, she is in Coma. He further contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 27.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Raman Kumar, at Civil Courts, Batala, District Gurdaspur.

Dasti also.”

The application (CM No.9405-CII of 2021) for placing on record

the reply is allowed and the reply is taken on record, wherein the respondent has stated that the petitioner (respondent's wife) is in a state of coma and the transfer application has been filed by a next friend.

Be that as it may, once the respondent is already defending proceedings under Section 125 Cr.P.C. at District Court, Nawanshahr.

Keeping in view the aforesaid facts, the petition is allowed. The proceedings of HMA/196/2020, titled as “Varinder Kumar vs. Jyoti Sharma”, pending in Family Court, camp at Batala, District Gurdaspur, are ordered to be transferred to the Court of competent jurisdiction at SBS Nagar (Nawanshahr). The transferor Court is requested to remit the case file to the transferee Court forthwith. The parties are directed to appear before the District Judge, SBS Nagar (Nawanshahr), on 13.10.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at SBS Nagar (Nawanshahr).

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

27.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)**JUDGE**