

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

215

TA-813-2021

Date of Order: 13.10.2021

SEEMA

..Petitioner

Versus

GAGAN RAWAT

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Kamalpreet Bawa, Advocate for the petitioner.

Mr. Krishan Singh, Advocate for respondent.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing as prayed by the learned counsels.

On 07.09.2021, the following order was passed:-

“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.DMC/185/2021, titled as “Gagan Rawat vs. Seema”, pending in the Court of Principal Judge, Family Court, Patiala, to the Court of competent jurisdiction at Moga.

The petitioner claims that she got married to the respondent on 03.12.2017 and they have been blessed with a female child. She claims that presently, she is residing with her parents at Moga and the distance between Patiala and Moga is more than 190 Kms. The petitioner further claims that she cannot properly defend the petition at Patiala.

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

- (i) Under Section 12 of the Domestic Violence Act, 2005.*
- (ii) Criminal complaint under Section 406/498-A/506 IPC.*

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

Notice of motion for 06.10.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Karamjit Singh Thind, at District Courts, Patiala.

Dasti also”

The respondent has filed reply to the petition.

The learned counsel representing the petitioner submits that the petitioner has also filed a petition under Section 13 of the Hindu Marriage Act, 1955, which is pending in the Family Court, Moga.

Sh. Krishan Kumar, learned counsel representing the respondent submits that the respondent has not received summons in the aforementioned cases. The cause of non-service of the summons may be due to the restricted functioning of the Courts on account of outbreak of Covid-19. The petitioner has annexed the copy of the complaint filed under the Protection of Women from Domestic Violence Act, 2005.

In view thereof, the petition is allowed.

The petition under Section 9 of the Hindu Marriage Act, 1955, bearing case No.DMC/185/2021, titled as “Gagan Rawat vs. Seema”, pending in the Court of Principal Judge, Family Court, Patiala, is ordered to be transferred to the Court of competent jurisdiction at Moga.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The parties through their counsel are directed to appear before the transferee Court on 08.11.2021.

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

October 13, 2021

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No