

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

TA No. 779 of 2021

Date of Decision: 03.11.2021

Veerpal Kaur Vartiya alias Veerpal Kaur

....Petitioner

VERSUS

Dalwinder Singh Vartiya

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amandeep Chhabra, Advocate for the petitioner.

Mr. Ashok Kumar Jindal, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition under Section 24 of the Code of Civil Procedure, 1908 read with Section 21-A of the Hindu Marriage Act, 1955 (for short 'HMA Act') has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 13-1 (ib) of the HMA being No.1174 of 2020 titled as "*Dalwinder Singh Vartiya Vs. Smt. Veerpal Kaur Vartiya @ Veerpal Kaur*" pending in the Court of Additional District and Sessions Judge, Gurugram to the Court of competent jurisdiction at Bathinda.

Learned counsel for the petitioner would contend that the petitioner in order to go to Gurugram has to travel a distance of 300 kms. one way and further that already two cases filed by her are pending at Bathinda. He further states that in a case filed under the Protection of Women from Domestic Violence Act, 2005 (for short 'DV Act') the respondent is already appearing.

Mr. Ashok Kumar Jindal, Advocate has put in appearance on behalf of the respondent and states that father of the petitioner is Inspector in the Police and is posted at Bathinda and he has received threats from father and brother of the petitioner and therefore, states that the matter may not be transferred to Bathinda.

Learned counsel for the petitioner, in response to the argument raised by learned counsel for the respondent, states that the respondent himself belongs to police force and is a Constable, posted in Gurugram and the same

argument would also apply to the petitioner inasmuch as it has been averred in the petition also that the respondent and his family have criminal antecedents and can cause harm to the petitioner.

I have heard learned counsel for the parties.

In view of the fact that the petitioner would have to travel a distance of 600 kms. to and fro as also the fact that two cases; one under Section 125 of the Code of Criminal Procedure, 1973 and other the complaint under the DV Act, are already pending at Bathinda, and the respondent has already put in appearance in the case filed under the DV Act, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13-1 (ib) of the HMA Act being No.1174 of 2020 titled as “*Dalwinder Singh Vartiya Vs. Smt. Veerpal Kaur Vartiya @ Veerpal Kaur*” pending in the Court of Additional District Judge, Gurugram to the Court of competent jurisdiction at Bathinda.

The records of the case shall be sent by the concerned Court at Gurugram to the Court of the learned District Judge, Bathinda and the parties shall appear there on 30.11.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

3rd November, 2021
jk

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO