

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

TA-795-2021 (O&M)

Date of decision: 07.10.2021

Neha

...Petitioner

Versus

Ashwani Kumar and another

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Amit Jaiswal, Advocate for the petitioner

Mr. Gagandeep Singh, Advocate for respondent no.1

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion on 02.09.2021, 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 9 of the Hindu Marriage Act, 1955, titled as “Ashwani Kumar vs. Neha”, pending in the Court of Principal Judge, Family Court, Kapurthala, to the Court of competent jurisdiction at Ambala.

The petitioner claims that she got married to the respondent on 28.02.2020. She claims that presently, she is residing with her parents at Ambala and the distance between Kapurthala and Ambala is more than 190 Kms. The petitioner further claims that she cannot properly defend the petition at Kapurthala.

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

(i) FIR under Section 0094 dated 17.09.2020, registered under Section 323/406/498-A IPC, at Police Station Women Police Station, Amabala.

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

Notice of motion for 28.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel at District Courts, Kapurthala.

Dasti also.”

Learned counsel for the petitioner points out that another petition under Section 125 Cr.P.C has also been filed at Ambala.

Sh.Gagandeep Singh, Advocate, has entered appearance on behalf of respondent no.1 and has contested the petition. He submits that the petitioner is employed.

Be that as it may be. Since the respondent is already defending proceedings in FIR No. 94 dated 17.09.2020 and petition under Section 125 Cr.P.C at Ambala, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955, titled as “Ashwani Kumar vs. Neha”, pending in the Court of Principal Judge, Family Court, Kapurthala, be transferred to the Court of competent jurisdiction at Ambala. 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, Ambala on 26.10.2021, who would 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.

07.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE