

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 822 of 2021

Date of Decision: 11.10.2021

Sandeep Kaur

... Petitioner(s)

Versus

Gurvinder Singh

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Munish Garg, Advocate
for the petitioner(s).

Mr. Kanwaljeet Singh Brar, Advocate
for the respondent.

Anil Kshetarpal, J.

1. On 08.09.2021, 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/807/2021, titled as “Gurwinder Singh vs. Sandeep Kaur”, pending in the Court of Additional Principal Judge, Family Court, Bathinda, to the Court of competent jurisdiction at Barnala.

The petitioner claims that she got married to the respondent on 12.03.2019 and they have been blessed with a female child. She claims that presently, she is residing with her parents at Barnala and the distance between Bathinda and

Barnala is more than 60 Kms. The petitioner further claims that she cannot properly defend the petition at Bathinda.

The learned counsel representing the petitioner places reliance on the pendency of a petition under Section 125 Cr.P.C. at Barnala. The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 08.10.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Rohit Kumar Gupta, at District Courts, Bathinda.

Dasti also”.

2. The learned counsel representing the petitioner contends that the petitioner is staying with her parents at Barnala along with her minor daughter.

3. Per contra, the learned counsel representing the respondent submits that at present, the matter is pending before the Mediation and Conciliation Centre at Bhatinda.

4. Keeping in view the aforesaid facts, the present petition is disposed of with the following observations:

- i) If the mediation between the parties turns out to be successful, the transfer application shall be deemed to have been dismissed.
- ii) If the mediation proceedings, pending before the Mediation and Conciliation Centre at Bhatinda, fails,

then the proceedings in the aforesaid case shall stand transferred to the Court of competent jurisdiction at Barnala. The transferor Court shall remit the file of the aforesaid case to the transferee Court forthwith. The parties, through their learned counsel, shall appear before the Court of District and Sessions Judge at Barnala, who shall either try the case himself or assign it to any other Presiding Judge having jurisdiction.

- iii) The Mediation and Conciliation Centre at Bhatinda, is requested to conclude the mediation proceedings within a period of one month from today.

(Anil Kshetarpal)
Judge

October 11, 2021
“DK”

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No