

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

TA-803-2021 (O&M)

Date of decision: 30.09.2021

Sandeep Kaur

...Petitioner

Versus

Charanjit Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Manmeet Singh Bindra, Advocate for the petitioner

None for the respondent

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion on 03.09.2021, 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, bearing case No. DMC/984/2019, titled as “Charanjit Singh vs. Sandeep Kaur”, pending in the Court of Principal Judge, Family Court, Bathinda, to the Court of competent jurisdiction at Ludhiana.

The petitioner claims that she got married to the respondent on 18.03.2012 and they have been blessed with two children. She claims that presently, she is residing with her aged mother at Ludhiana and the distance between Bathinda and Ludhiana is more than 140 Kms. The petitioner further claims that she cannot properly defend the petition at Bathinda.

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

- (i) Under Section 125 Cr.P.C.
- (ii) Under Section 12 of the Domestic Violence Act, 2005
- (iii) Complaint No.163727 dated 28.08.2019, pending before the Commissioner of Police, Ludhiana.

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

Notice of motion for 30.09.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Ravi Kant, at District Courts, Bathinda.

Dasti also. ”

As per the office report, the respondent has been served through his counsel in the trial court, however, he remains unrepresented.

In view of the aforesaid uncontroverted facts, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No. DMC/984/2019, titled as “Charanjit Singh vs. Sandeep Kaur”, pending in the Court of Principal Judge, Family Court, Bathinda, be transferred to the Court of competent jurisdiction at Ludhiana. 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, Ludhiana on 14.10.2021, who shall 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.

30.09.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE