

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

TA-814-2021 (O&M)

Date of decision: 11.10.2021

Laxmi

...Petitioner

Versus

Rajesh Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.V.K.Sandhir, Advocate for the petitioner
None for the respondent

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion on 07.09.2021, 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 25 of the Guardian and Wards Act, 1890, titled as “Rajesh Kumar vs. Laxmi”, pending in the Court of Principal Judge, Family Court Camp at Phagwara, to the Court of competent jurisdiction at Amritsar.

The petitioner claims that she got married to the respondent on 22.09.2012 and they have been blessed with a male child. She claims that presently, she is residing with her parents at Amritsar and the distance between Phagwara and Amritsar is more than 100 Kms. The petitioner further claims that she cannot properly defend the petition at Phagwara.

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

(i) Under Section 125 Cr.P.C.

(ii) Under Section 12 of the Domestic Violence Act, 2005.

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 at Camp Court, at Phagwara, District Kapurthala.

Dasti also”

On 06.10.2021, Sh. Tarun Sharma, Advocate, had entered appearance on behalf of the respondent and on his request the case was adjourned to today. Neither any reply to the petition has been filed nor the counsel representing the respondent is present, although, the case has been called out twice.

Since the facts noticed in the order dated 07.09.2021 remain uncontroverted, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 25 of the Guardian and Wards Act, 1890, titled as “Rajesh Kumar vs. Laxmi”, pending in the Court of Principal Judge, Family Court Camp at Phagwara, be transferred to the Court of competent jurisdiction at Amritsar. 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, Amritsar on 03.11.2021, 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.

11.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE