

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

TA-811-2021 (O&M)

Date of decision: 13.10.2021

Manu Kumar

...Petitioner

Versus

Suraj

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Naresh Kumar, Advocate for the petitioner
Mr. Nitin Sachdeva, Advocate 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 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/1686/2021, titled as “Suraj vs. Manu Kumari”, pending in the Court of Additional Principal Judge, Family Court, Ludhiana, to the Court of competent jurisdiction at Hoshiarpur.

The petitioner claims that she got married to the respondent on 21.02.2019 and they have been blessed with a child. She claims that presently, she is residing with her parents at Hoshiarpur and the distance between Ludhiana and Hoshiarpur is more than 77 Kms. The petitioner further claims that she cannot properly defend the petition at Ludhiana.

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

(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 05.10.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. H.S.Mahal, at District Courts, Ludhiana.

Dasti also.”

Sh. Nitin Sachdeva, Advocate, while contesting the petition submits that the respondent is taking care of his 1 ½ year old daughter. However, it is not in dispute that the respondent is already defending the above noted petitions in the District Courts, Hoshiarpur.

Keeping in view the facts noticed in the order dated 07.09.2021, the transfer application is allowed. It is directed that the proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing case No.HMA/1686/2021, titled as “Suraj vs. Manu Kumari”, pending in the Court of Additional Principal Judge, Family Court, Ludhiana, be transferred to the Court of competent jurisdiction at Hoshiarpur. 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, Hoshiarpur on 08.11.2021, 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.

13.10.2021

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE