

In the High Court of Punjab and Haryana, at Chandigarh

Transfer Application No. 838 of 2021

Date of Decision: 11.10.2021

Indu Thakur

... Petitioner(s)

Versus

Rajiv Kumar

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Ms. Ramneet Kaur, Advocate
for the petitioner(s).

Mr. Amandeep Singh, Advocate
for the respondent.

Anil Kshetarpal, J.

1. On 13.09.2021, the following order was passed:-

“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/1673/2021, titled as “Rajiv Kumar vs. Indu Thakur”, pending in the Court of Additional Principal Judge, Family Court, Ludhiana, to the Court of competent jurisdiction at SBS Nagar.

The petitioner claims that she got married to the respondent on 16.01.2013 and they have been blessed with a male child. She claims that presently, she is residing with her parents at SBS Nagar and the distance between Ludhiana and SBS Nagar is more than 70 Kms. The petitioner further claims that she cannot properly defend the petition at Ludhiana.

The learned counsel representing the petitioner contends that the respondent (husband) is settled in Greece. He places reliance on the pendency of the petition filed under Section 125 Cr.P.C., at SBS Nagar. The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 11.10.2021.

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

2. The learned counsel representing the respondent submits that the respondent is presently settled in Greece and he has filed the petition under Section 13 of the Hindu Marriage Act, 1955, through his mother, who is old.

3. The respondent can always prosecute the petition through any attorney.

4. The respondent is undisputedly defending the proceedings under Section 125 Cr.P.C. at S.B.S.Nagar.

5. Keeping in view the aforesaid facts, the present application is allowed. The proceedings of case **“Rajiv Kumar vs. Indu Thakur”, Section 13 of the Hindu Marriage Act, 1955**, presently pending in the Court of the Additional Principal Judge, Family Court, Ludhiana, are transferred to the Court of competent jurisdiction at S.B.S.Nagar. The transferor Court is requested to remit the file of the aforesaid case to the transferee Court forthwith. The parties, through their learned counsel, are directed to appear

who shall either try the case himself or assign it to any other Presiding Judge having jurisdiction.

4. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

October 11, 2021
“DK”

Whether speaking/reasoned :Yes/No

Whether reportable : Yes/No