

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

218

TA-842-2021

Date of Order: 13.10.2021

MANDEEP KAUR AND ORS

..Petitioners

Versus

GAGANDEEP SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. S.S. Momi, Advocate
for the petitioners.

Mr. Ramandeep, Advocate
for respondents.

ANIL KSHETARPAL, J(Oral)

The hearing of the case was held through video conferencing as
prayed by the learned counsels.

On 14.09.2021, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the petition bearing case No.GW/77/2019, instituted on 26.09.2018/26.09.2019, filed under the Hindu Adoption and Maintenance Act, 1956, pending in the Court of Principal Judge, Family Court, Guhla, to the Court of competent jurisdiction at Samana, District Patiala.

Petitioner No.1 claims that she got married to the respondent on 01.07.2012 and they have been blessed with two children. She claims that presently, she is residing with her aged parents in village Shadipur Momiam, Tehsil Patran, District Patiala and the distance between Guhla and Samana, District Patiala is more than 45 Kms. Petitioner No.1 further claims that she cannot properly defend the petition at Samana, District Patiala.

The learned counsel representing the petitioners contends that the petitioner is suffering from critical medical condition and has no source of income. He places reliance on the following litigations pending in District Courts, Samana, District Patiala.

- (i) Under Section 12 of the Domestic Violence Act, 2005.*
- (ii) Under Section 125 Cr.P.C.*
- (iii) FIR No.96, dated 15.09.2017, registered under Section 323/406/498-A IPC, at Police Station Women, District Patiala.*

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

Notice of motion for 13.10.2021.

The liberty is granted to the petitioner to serve the respondents through their counsel, at Civil Courts, Guhla, District Kaithal.

Dasti also. ”

The reply on behalf of the respondent No.1 and 2 has been filed.

The learned counsel representing the respondent contends that the distance between the place of residence of the petitioner to Guhla is stated to be 23.6 Kms whereas the distance to Samana is stated to be 28.3 Kms. from her place of residence.

It is not in dispute that the respondent is already defending proceedings in three litigations noticed in the order dated 14.09.2021.

Hence, the application is allowed.

The petition bearing case No.GW/77/2019, instituted on 26.09.2018/26.09.2019, filed under the Hindu Adoption and Maintenance Act, 1956, pending in the Court of Principal Judge, Family Court, Guhla, is ordered to be transferred to the Court of competent jurisdiction at Samana, District Patiala.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The parties through their counsel are directed to appear before the transferee Court on 08.11.2021.

All the pending miscellaneous applications, if any, are also disposed of.

October 13, 2021

Ay

Whether speaking/reasoned

Whether reportable

: Yes/No

: Yes/No

**(ANIL KSHETARPAL)
JUDGE**