

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

TA-834-2021 (O&M)

Date of decision: 11.10.2021

Priya Dabgotra

...Petitioner

Versus

Mandeep Singh

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Vishal Munjal, Advocate for the petitioner
None for the respondent

ANIL KSHETARPAL, J (Oral)

While issuing notice of motion on 10.09.2021, the following order was passed by this Court:-

“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.HMA/344/2020, titled as “Mandeep Singh vs. Priya Dabgotra”, pending in the Court of Additional Principal Judge, Family Court, Gurdaspur, to the Court of competent jurisdiction at Pathankot.

The petitioner claims that she got married to the respondent on 26.05.2013 and they have been blessed with a female child. She claims that presently, she is residing with her aged parents at Pathankot and the distance between Gurdaspur and Pathankot is more than 40 Kms. The petitioner further claims that she cannot properly defend the petition at Gurdaspur.

The learned counsel representing the petitioner contends that the petitioner is unemployed and has no independent source of income. He further contends that the petitioner's daughter is studying at Pathankot and is dependent upon the respondent(Father). He places reliance on the pendency of the petition filed under Section 125 Cr.P.C., at Pathankot and states 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, Gurdaspur.

Dasti also.”

As per the office report, the notice issued to the respondent has been served. 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.HMA/344/2020, titled as “Mandeep Singh vs. Priya Dabgotra”, pending in the Court of Additional Principal Judge, Family Court, Gurdaspur,, be transferred to the Court of competent jurisdiction at Pathankot. 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, Pathankot on 03.11.2021, 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.

11.10.2021

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE