

TA-875-2021(O&M)

Date of Decision : 20.09.2021

ATUL THAPAR

...Petitioner

Versus

JYOTI THAPAR

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present : Petitioner in person.

ANIL KSHETARPAL, J (Oral)

The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

CM-8901-CII-2021

Allowed as prayed for.

Annexure A-1 to A-6 are taken on record.

MAIN

This transfer application has been filed by the petitioner (respondent's husband) with a prayer to transfer the proceedings of a petition filed under Section 10 of the Hindu Marriage Act, 1955, bearing case No.HMA/289/2021, titled as “Jyoti Thapar Vs. Atul Thapar”, presently pending before the Principal Judge, Family Court, Kapurthala to the Court of competent jurisdiction at Ludhiana.

The petitioner appears in person and states that the proceedings under Section 10 of the Hindu Marriage Act, 1955, have been initiated in order to harass him. He further contends that due to his financial condition, he cannot properly defend the proceedings at Kapurthala.

After having considered the arguments, this Bench is of the considered view that the petitioner has failed to make out a case to transfer the proceedings. Admittedly, two children born out of the wedlock have grown up. The respondent is residing at Kapurthala. It is well settled that the proceedings cannot be transferred merely on the wish of a particular party.

Hence, no ground to transfer the proceedings is made out.

Dismissed.

September 20, 2021
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No