

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

TA-903-2021 (O&M)

Date of decision : 01.12.2021

Jasmine Walia

.....Petitioner(s)

Versus

Davinder Kapoor

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Nitin Sharma, Advocate for the petitioner.

Ms. Pooja Arora, Advocate for
Mr. Sanjeev K. Virk, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the petition being ***HMA No.356 of 2021*** titled as “***Davinder Kapoor Vs. Jasmine Walia***” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Kapurthala to the Court of competent jurisdiction at Amritsar.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 19.08.2018 and out of the said wedlock a child was born on 05.09.2019. The petitioner is now residing at Amritsar along with her parents and is looking after her two years old child. He would further contend that the petitioner in order to defend the case at Kapurthala would have to travel a distance of approximately 70 kms

(one way) along with her minor child and it is not feasible for her, financially or otherwise, to travel to Kapurthala on each and every date of hearing.

Learned counsel for the petitioner would further contend that two cases initiated by the petitioner being a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act') and a FIR under Sections 498-A/406 of the Indian Penal Code, 1860, are already pending at Amritsar.

Learned counsel for the respondent, on instructions, states that she has no objection if the present petition is allowed and the petition filed by the respondent under Section 13 of the HM Act is transferred to Amritsar.

Heard learned counsel for the parties.

In view of the statement made by learned counsel for the respondent and keeping in mind the facts that the petitioner, who is now residing at Amritsar along with her parents and is looking after her two years old child, would have to travel a distance of approximately 140 kms (to and fro) to attend the proceedings at Kapurthala, as also the fact that two cases at the instance of the petitioner being a petition under Section 12 of the DV Act and a FIR under Sections 498-A/406 IPC, are already pending at Amritsar, I deem this to be a fit case for transfer of the petition being ***HMA No.356 of 2021*** titled as ***“Davinder Kapoor Vs. Jasmine Walia”*** filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Principal Judge, Family Court, Kapurthala to the Court of competent jurisdiction at Amritsar. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Amritsar and the parties shall appear there on 20.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

01.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO