

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

TA-532-2020(O&M)

Date of decision:19.01.2021

Surjeet Kaur alias Kamalpreet Kaur

.....Petitioner

Versus

Manmohan Singh

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Akhilesh Vyas, Advocate for the petitioner

Mr. Sushant Kareer, Advocate for the respondent

ANIL KSHETARPAL, J.

The petitioner-wife prays for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, ('Manmohan Singh vs. Surjeet Kaur alias Kamalpreet Kaur' bearing HMA/207/2020) pending before the court of District & Sessions Judge, Jalandhar, to the court of competent jurisdiction at Amritsar.

On 16.11.2020 while issuing notice, the following order was passed:-

“This petition under Section 24 of the Code of Civil Procedure has been filed for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, titled as “Manmohan Singh vs. Surjeet Kaur alias Kamalpreet Kaur” bearing HMA no. 207/2020 pending before the Court of District & Sessions Judge, Jalandhar to the Court of competent jurisdiction at Amritsar.

It has been pleaded that the petitioner

and her minor daughter are residing at Amritsar and various petitions filed by the petitioner, i.e. under Section 9 of the Hindu Marriage Act, 1955, a petition under Section 125 Cr.P.C and a complaint under the Protection of Women from Domestic Violence Act, 2005 are already pending at Amritsar.

Notice of motion for 12.1.2021.

Liberty is granted to the petitioner to serve the respondent through his counsel in the Trial Court.”

Sh. Sushant Kareer, Advocate, enters appearance on behalf of the respondent and submits that it is the husband who has filed first petition prior in time at Jalandhar. He submits that the wife had filed the petition after a period of one month thereafter.

Be that as it may. It is not in dispute that the respondent-husband is already defending three petitions at Amritsar.

In view thereof, the petition is allowed. The petition under Section 9 of Hindu Marriage Act, 1955, titled as 'Manmohan Singh vs. Surjeet Kaur alias Kamalpreet Kaur' bearing HMA/207/2020 is ordered to be transferred from the court of District & Sessions Judge, Jalandhar, to the court of competent jurisdiction at Amritsar. The parties are directed to appear before the court of District & Sessions Judge, Amritsar, on 05.03.2021. It shall be open to the District & Sessions Judge to try the case himself or transfer it to the court of competent jurisdiction.

Learned counsel for the respondent submits that since the

respondent shall be now required to defend four petitions at District Courts, Amritsar, therefore, the concerned courts may be directed to fix all these cases on one particular date to rule out the possibility of repeated visits.

This Court has no doubt that if such a request is made to the concerned court, the same shall be considered sympathetically.

19.01.2021		(ANIL KSHETARPAL)
rekha		JUDGE
Whether speaking/reasoned	Yes /No	
Whether Reportable	Yes / No	