

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

ASHOK KUMAR
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TA-599-2020 (O&M)

Date of decision: 29.09.2021

RAJBINDER KAUR

..Petitioner

Versus

RESHAM SINGH BRAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. RK Girdhar, Advocate for the petitioner.
Mr. Ritesh Aggarwal, Advocate for the respondent.

ANIL KSHETARPAL, J (Oral)

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

Through this application, the petitioner (wife) prays for transfer of proceedings in petition, bearing No.DMC/431/2020 filed under Section 13 of the Hindu Marriage Act, 1955, ('Resham Singh Brar Vs. Rajbinder Kaur' pending before the Family Court, Bathinda, to the Court of competent jurisdiction at Sri Muktsar Sahib.

Learned counsel representing the petitioner contends that the respondent is already defending proceedings in two litigations i.e. a petition under Section 125 Cr.P.C. and proceedings in a petition under Section 9 of the Hindu Marriage Act, 1955, filed by the petitioner.

Per contra, learned counsel for the respondent submits that both these aforesaid litigations have been filed after filing of the divorce petition by the respondent. He further contends that the respondent's mother has recently undergone a surgery.

The distance between Bathinda and Sri Muktsar Sahib is around 75 kms. Keeping in view the aforesaid facts, the petition is allowed. The proceedings in petition, bearing No.DMC/431/2020 filed under Section 13 of the Hindu Marriage Act, 1955, ('Resham Singh Brar Vs. Rajbinder Kaur' pending before the Family Court, Bathinda, are ordered to be transferred to the Court of competent jurisdiction at Sri Muktsar Sahib. The transferor Court is requested to remit the case file to the transferee Court forthwith. The parties are directed to appear before the District Judge, Sri Muktsar Sahib, on 14.10.2021 who shall either decide the matter himself or assign it to the Court of competent jurisdiction at Sri Muktsar Sahib.

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

29.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE