

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

225

TA-1159-2019 (O&M)

Date of decision: 08.09.2021

SARABJIT KAUR

..Petitioner

Versus

BALWINDER KUMAR

..Respondent

CRM-M-14561-2021 (O&M)

BALWINDER KUMAR

..Petitioner

Versus

SARABJIT KAUR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Joshi, Advocate for the petitioner-Sarabjit Kaur.
Mr. SK Rattan, Advocate for the petitioner-Balwinder Kumar.

ANIL KSHETARPAL, J (Oral)

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

By this judgment, two applications seeking the transfer of proceedings in a petition (HMA case No.633/2019 'Balwinder Kumar vs. Sarabjit Kaur') filed by the husband under Section 13 of the Hindu Marriage Act, 1955, from Mohali, to Family Court, Phillaur (District Jalandhar) and another petition (MNT125/1997/2019 'Sarabjit Kaur vs. Balwinder Kumar') filed by the wife under Section 125 Cr.P.C. pending in the Court the Principal Judge, Family Court, Phillaur to the competent Court of jurisdiction at Mohali, shall be disposed of.

The marriage between the parties was solmenised on 13.07.2003. The couple is blessed with two children aged about 17 years and 14½ years. The respondent-wife (Sarabjit Kaur) prays for transfer of the proceedings to the Family Court, Phillaur on the ground that the distance between Mohali and Phillaur is 110 kms. and she is not being paid any

maintenance.

On the other hand, the husband-Balwinder Kumar prays for transfer of the proceedings under Section 125 Cr.P.C. on the ground that he is already maintaining two sons born out of the wedlock. It has been pointed out that his elder son suffers from a serious ailment and is taking regular treatment at PGIMS, Chandigarh.

Keeping in view the aforesaid facts, it is considered appropriate to transfer both the proceedings to the Court of competent jurisdiction at Rupnagar which falls in between the aforesaid two cities. Accordingly, the petitions are allowed. The proceedings of HMA case No.633/2019 'Balwinder Kumar vs. Sarabjit Kaur' pending in the Court of Additional District Judge, Mohali and case No.MNT125/1997/2019 'Sarabjit Kaur vs. Balwinder Kumar' pending in the Court of the Principal Judge, Family Court, Phillaur, are ordered to be transferred to the Court of competent jurisdiction at Rupnagar. The transferor Courts are requested to remit the case files to the transferee Court forthwith. The parties are directed to appear before the District Judge, Rupnagar, on 29.09.2021 who shall either decide the matter herself or assign it to the Court of competent jurisdiction at Rupnagar.

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

08.09.2021

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE