

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

226

TA-5-2022

Date of Order: 24.02.2022

RAJDEEP KAUR

..Petitioner

Versus

ISHMEET SINGH

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ritesh Aggarwal, Advocate
for the petitioner.

Mr. Vineet Chaudhary, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

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

Sh. Vineet Chaudhary, Advocate, enters appearance on behalf of respondent and submits that the matter be referred to the mediation to explore the possibility of settlement.

This is an application with a prayer to transfer the proceedings of a pending case filed under Section 9 of the Hindu Marriage Act, 1955, from the Court of Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Mohali, Punjab.

The Family Court are equipped to mediate in such matter professionally.

On 07.01.2022, while issuing of motion, the following assertions were noticed:-

“Taken up in virtual mode.

Learned counsel for the petitioner would contend that the petitioner-wife would have to travel a distance of about 300 kilometres (one way) from her place of residence in SAS Nagar (Mohali) in order to attend to the proceedings initiated by the respondent-husband under

Section 9 of the Hindu Marriage Act, 1955 for restitution of conjugal rights pending in the Court of Principal Judge, Family Court, Gurugram bearing case No.HMA-1469/2021 and, hence, she would not be able to properly defend her case on each and every date of hearing. It is further contended that one complaint filed by the petitioner under various provisions of the Protection of Women from Domestic Violence Act, 2005 is already pending in the Court of JMIC, Mohali.

Notice of motion returnable 24.02.2022.

Dasti as well. Liberty to serve through the counsel representing the respondent in the Court below.”

The learned counsel representing the respondent has failed to controvert the aforesaid facts.

Hence the application is allowed.

The petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.HMA/1469/2021, titled as “Ishmeet Singh Vs. Rajdeep Kaur”, pending in the Court of Principal Judge, Family Court, Gurugram, is ordered to be transferred to the Court of competent jurisdiction at District Mohali.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The petitioner through her counsel is directed to appear before the transferee Court on 10.03.2022.

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

February 24th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No