

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CR-4836 of 2016 (O&M)
Date of decision: 21.10.2022

Amandeep Kaur

..Petitioner

Versus

Binder Verma

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. G.S.Jagpal, Advocate
for the petitioner

ANIL KSHETARPAL, J(Oral)

As per the office report, notice issued to the respondent through his counsel has been received back served, however, the respondent remained unrepresented.

An application filed by the wife of the respondent for the transfer of proceedings under Section 9 of the Hindu Marriage Act, 1955 to the competent Court at Patiala, from Samana has been dismissed. Samana is a sub division that falls under the Patiala District. The petitioner claims that a petition filed under the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as 'the 2005 Act') is already pending at Patiala. The District Judge has dismissed the application on the ground that in a petition filed under the 2005 Act, the respondent has stated that the petitioner along with her minor children are residing in her parental house at village Rurki Khurd, Tehsil Malerkotla and she is not residing at Patiala.

The learned counsel representing the petitioner contends that the respondent (husband) is already defending a petition filed under the 2005 Act and it would be in the interest of justice, if the petition pending under Section 9 of the Hindu Marriage Act, 1955, at Samana, is transferred to the

Court of competent jurisdiction at Patiala.

This revision petition is pending for the last 6 years. The respondent apart from defending the petition filed under the 2005 Act, is also defending the FIR under Section 506/498-A IPC at Patiala.

Keeping in view the aforesaid facts, let the proceedings pending at Samana, be transferred to the Court of competent jurisdiction at Patiala in order to enable the parties to prosecute or defend the various petitions at one particular place.

The parties through their counsels are directed to appear before the Court of District Judge, Patiala, on 15.11.2022, who will try the case himself or assign it to the Court of competent jurisdiction.

The transferor Court is directed to transfer the record to the transferee Court.

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

October 21, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : *Yes/No*
Whether reportable : *Yes/No*