

TA-213-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-213-2022 (O&M).
Decided on: 11.07.2022.

Komal Sharma

.. Petitioner

VERSUS

Vikram Sharma

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.Sarju Puri, Advocate,
for the petitioner.

Mr.Vaibhav Narang, Advocate,
for the respondent.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Sections 7, 8, 10 and 12 of the Guardian and Wards Act, 1890 titled as “Vikram Sharma Vs. Komal Sharma” bearing No.GW/52/2021, pending in the Court of learned Civil Judge (Sr. Division), Chandigarh, to the competent Court of jurisdiction at SBS Nagar.

On 8.3.2022, the following order was passed:-

“The instant petition has been filed for transfer of Petition under Sections 7, 8, 10 and 12 of the Guardian and Wards Act, 1890 bearing No. GW/52/2021 titled as “Vikram Sharma v. Komal Sharma” from the Court of

Civil Judge, Senior Division, Chandigarh to a Court of competent jurisdiction at District SBS Nagar.

Learned counsel submits that the petitioner is a destitute wife who along with her 06 year old son, after being turned out from her matrimonial home, has been living at the mercy of her parents at SBS Nagar. Learned counsel submits that on 15.09.2021 the petitioner had also instituted an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which is pending before the court of competent jurisdiction at SBS Nagar and it was thereafter that the respondent-husband filed a petition under Sections 7, 8, 10 and 12 of the Guardian and Wards Act, 1890 at Chandigarh. Learned counsel submits that the petitioner would be greatly inconvenienced to travel on each and every date of hearing as the distance between Chandigarh and SBS Nagar, where the case is pending, is approximately 90 kms. Learned counsel has also submitted that in the petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 the respondent is already putting in an appearance at SBS Nagar.

Notice of motion for 25.05.2022.

The court below shall adjourn the case beyond the date fixed before this court.”

Learned counsel for the respondent has not objected to the transfer of the same, but has made only one request that application for interim custody be directed to be expeditiously decided by the learned trial Court.

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Accordingly, the present petition is allowed. The petition filed by the respondent-husband under Sections 7, 8, 10 and 12 of the Guardian and Wards Act, 1890 titled as “Vikram Sharma Vs. Komal Sharma” bearing No.GW/52/2021, pending in the Court of learned Civil Judge (Sr. Division), Chandigarh, will be transferred to the competent Court of jurisdiction at SBS Nagar.

The trial Court is directed to make an endeavour to dispose of the application for interim custody as early as possible.

Misc. application bearing number CM-3919-CII-2022 filed for preponement of the date of hearing stands disposed of as having been rendered infructuous.

July 11, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No