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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.235 of 2022 (O&M)
Date of decision: 08.07.2022

Kanwaljeet Kaur

....Petitioner

Versus

Sandeep Kumar

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Munish Garg, Advocate
for the petitioner.

ARVIND SINGH SANGWAN J. (Oral)

On 10.03.2022, the following order was passed by this

Court:-

“The applicant is seeking transfer of a petition bearing No.HMA-296-2021, titled as, “Sandeep Kumar vs. Kanwaljeet Kaur”, dated 05.01.2022, filed by the respondent under Section 9 of the Hindu Marriage Act, 1955, pending in the Court of learned Family Court (Camp Court at Samana) to a Court of competent jurisdiction at Barnala from Samana.

Learned counsel for the applicant submits that the applicant was married with the respondent on 07.02.2016 in the area of Patran. He submits that after she was thrown out of her matrimonial home by the respondent, she had been residing along with her two minor children at her parental home at Barnala and was thus totally dependent on her parents for her survival. He further submits that since the distance between Samana and Barnala is 100 kilometers she would be greatly inconvenienced to travel to Samana on each and every date of hearing. Learned counsel also submits that the

following litigations are pending between the parties at District Courts at Barnala, which were instituted by the applicant prior in time :-

1. Petition u/s 125 Cr.P.C.

2. Application u/s 12 of the DV Act. Notice of motion for 20.05.2022.

Meantime, the Family Court at Samana, which is dealing with the instant case is directed to adjourn the case beyond the date fixed by this Court.”

Counsel for the petitioner has argued that it is difficult for the petitioner to travel from her place of residence to Samana, as she is having 02 minor children aged about 2 years and 04 years, respectively, who are living in her custody.

As per the office report, the respondent has been served through his sister-in-law, however, there is no representation on behalf of the respondent.

In view of the above, the present petition is allowed and the petition filed by the respondent under Section 9 of the Hindu Marriage Act, is ordered to be transferred from the Family Court, Samana (Camp Court at Samana) to a competent Court at Barnala.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

08.07.2022
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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No