

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

106

TA-286-2022

Date of decision: 25.03.2022

KIRAN

.....Applicant

Versus

NAVEEN KUMAR

.....Respondent

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. S.K. Bhardwaj, Advocate for the applicant.

MANJARI NEHRU KAUL, J. (ORAL)

The applicant is seeking transfer of a petition titled as 'Navin Vs. Kiran' filed by the respondent under Section 9 of the Hindu Marriage Act, 1955 which is pending in the Court of learned Principal Judge, Family Court, Kaithal (Annexure P-3), to a Court of competent jurisdiction at Jind.

Learned counsel for the applicant submits that ever since she was thrown out of her matrimonial home, the applicant has been living with her parents at Jind along with her 7 years old chld and hence it would be very difficult for her to commute to Kaithal for participating in the proceedings of the aforementioned petition under Section 9 of the Hindu Marriage Act, 1955. It has also been submitted that the petition under Section 125 Cr.P.C. already stands filed at Jind between the parties.

A pointed query was put to the learned counsel as to what was the stage of trial in the petition under Section 9 of the Hindu Marriage Act, 1955 which is pending adjudication at Family Court, Kaithal to which he submitted that an ex-parte order had been passed

against the applicant for which an application too had been moved before the Court concerned for setting aside the said order, however, the same was still pending.

I have heard learned counsel for the applicant and perused the relevant material on record.

The distance between Kaithal and Jind is hardly about 50 kms. and both the places are well connected and the transport facilities also are excellent. Moreover, in the wake of the applicant having already been proceeded against ex-parte in the petition under Section 9 of the Hindu Marriage Act, 1955, this Court is not inclined to accept the prayer of the applicant to transfer the the aforementioned petition from Kaithal to Jind.

Dismissed.

25.03.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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