

TA-283-2022 (O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH.

TA-283-2022 (O&M).
Decided on: 11.07.2022.

Priyanka Sharma

.. Petitioners

VERSUS

Nitin Sharma

.. Respondent

* * *

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

* * *

PRESENT Mr.Vivek Goyal, Advocate,
for the petitioner.

ARVIND SINGH SANGWAN, J. (ORAL)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, titled as “Nitin Sharma Vs. Priyanka Sharma” DMC No.18 of 2018, pending before the Family Court, Rajpura, to the competent Court of jurisdiction at Panchkula.

Despite service, no body has appeared on behalf of the respondent.

On 24.03.2022, the following order was passed:-

“The applicant is seeking transfer of a petition bearing No.DMC/18/2018 titled as 'Nitin Sharma Vs. Priyanka Sharma' filed by the respondent under Section

13 of the Hindu Marriage Act, 1955 which is pending in the Court of learned Principal Judge, Family Court, Rajpura (Annexure P-5), to a Court of competent jurisdiction at Panchkula.

Learned counsel for the applicant submits that a petition was earlier filed under Section 9 of the Hindu Marriage Act, 1955 by the respondent-husband at Gurugram which is still pending adjudication and during pendency of the same, petition under Section 13 of the Hindu Marriage Act, 1955 was filed.

On a pointed query put to the learned counsel as what was the stage of petition under Section 13 of the Hindu Marriage Act, 1955, he submitted that it is still at the initial stage.

Learned counsel submits that since the applicant is residing at Kalka, she would be put to great inconvenience in case petition under Section 13 of the Hindu Marriage Act, 1955 is not transferred from Rajpura to Panchkula.

Notice of motion for 11.07.2022.”

Counsel for the petitioner submits that in the earlier transfer petition filed by the petitioner-wife bearing number TA-180-2020, the proceedings in the petition under Section 9 of the Hindu Marriage Act filed by the respondent-husband were stayed by this Court and now the present divorce petition has been filed at Rajpura. It is submitted that act of the respondent-husband would show that he wants to harass the petitioner-wife and the divorce petition has been filed at a distance of about 60 kilometers from the place of residence of the petitioner. Counsel further

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submits that petitioner is having a daughter aged 12 years who is living in the care and custody of the petitioner and she has to take care of her and therefore, she is unable to travel to and fro Parwanoo to Rajpura and for that she has to take assistance of a male member and bear expenses.

Since there is no representation on behalf of the respondent to contest the present petition, the same is allowed. The petition filed by respondent-husband under Section 13 of the Hindu Marriage Act, titled as “Nitin Sharma Vs. Priyanka Sharma” DMC No.18 of 2018, pending before the Family Court, Rajpura, will be transferred to the competent Court of jurisdiction at Panchkula.

July 11, 2022.
raj arora

(ARVIND SINGH SANGWAN)
JUDGE

Whether speaking / reasoned
Whether reportable

Yes / No
Yes / No