

**256 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

TA-691-2021 (O&M)

Date of decision: 10.02.2022

Smt. Ishu Khanagwal

....Petitioner

Versus

Pardeep Kumar

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Chanderhas Yadav, Advocate for the petitioner

None for the respondent

ANIL KSHETARPAL, J (Oral)

The hearing of the case is being held through video conferencing on account of restricted functioning of the Courts.

As per the office report, notice has been received back served. However, he remains unrepresented.

While issuing notice of motion on 11.08.2021, the following order was passed by this Court:-

“The hearing of the case was held through video conferencing on account of restricted functioning of the Courts.

This is wife's petition under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of petition, bearing No.DMC/672/2021 filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Pardeep Kumar Vs. Smt. Ishu Khanagwal' from the Court of Additional Special Judge, Family Court, Hisar to the Court of competent jurisdiction at Rohtak.

It has been asserted that the respondent is already defending two proceedings in District Court, Rohtak. The first petition is under Section 125 Cr.P.C. whereas, the second is trial under FIR No.177 dated 29.06.2021.

Notice of motion for 23.08.2021.

Dasti also.

The petitioner shall be at liberty to serve the respondent through his counsel Sh. Sushil Sharma, Advocate of District Court, Hisar.”

Since the respondent has not entered appearance, therefore, the facts noticed in the order dated 11.08.2021 remain uncontroverted. Hence, the transfer application is allowed. It is directed that the proceedings in petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing No.DMC/672/2021 filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Pardeep Kumar Vs. Smt. Ishu Khanagwal' pending in the Court of Additional Special Judge, Family Court, Hisar, be transferred to the Court of competent jurisdiction at Rohtak The transferor court is directed to remit the file of the case to the transferee court forthwith. The parties through their counsel are directed to appear before the District & Sessions Judge, Rohtak, on 25.02.2022, who shall either try the case himself or assign the same to the court of competent jurisdiction in the District.

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

10.02.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE