

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

237

TA-867-2021
Date of Order: 18.02.2022

SEEMA GREWAL

..Petitioner

Versus

DHERENDER PUNIA @ DEEPU PUNIA

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vineet Sehgal, Advocate
for the petitioner.

Mr. Vivek Khatri, Advocate
for respondent.

ANIL KSHETARPAL, J(Oral)

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

While issuing the notice of motion, the following order was passed:-

“This petition has been filed by the wife seeking the transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.DMC/180/2021, titled as “Dherender Punia @ Deepu Punia vs. Seema”, pending in the Court of Principal Judge, Family Court, Hisar, to the Court of competent jurisdiction at Panchkula.

The petitioner claims that she got married to the respondent on 12.11.2010. She claims that presently, she is working as an Assistant Professor at Government College, Barwala, Panchkula and is residing with her parents at Panchkula and the distance between Hisar and Panchkula is more than 230 Kms. The petitioner further claims that she cannot properly defend the petition at Hisar.

The learned counsel representing the petitioner contends that the father of the respondent(husband) is a practising advocate at District Courts, Hisar. He places reliance on the following litigations pending in District Courts, Panchkula.

(i) Under Section 125 Cr.P.C.

(ii) Under Section 12 of the Domestic Violence Act, 2005.

(iii) Under Section 13 of the Hindu Marriage Act, 1955.

(iv) FIR No.34, dated 11.07.2017, registered under Section 498- A/406/354/506/34 IPC, at Women Police Station, Hisar.

The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 28.10.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. N.S.Saini, Sh. Vishal Saini, at District Courts, Hisar.

Dasti also.”

The learned counsel representing the respondent submits that the petitioner is already prosecuting a trial in a criminal case filed by the State arising from an FIR registered at Hisar.

The case arising from the FIR is being prosecuted by the prosecuting agency appointed by the State.

The respondent, as already noticed in the order dated 17.09.2021, is defending various litigations which are pending in the District Court, Panchkula.

Hence, the application is allowed.

The petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing case No.DMC/180/2021, titled as “Dherender Punia @ Deepu Punia Vs. Seema”, pending in the Court of Principal Judge, Family Court, Hisar, is ordered to be transferred to the Court of competent jurisdiction at Panchkula.

The transferor Court is requested to remit the case file to the transferee Court forthwith.

The petitioner through her counsel is directed to appear before the transferee Court on 07.03.2022.

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

February 18th, 2022

(ANIL KSHETARPAL)

Ay

JUDGE

Whether speaking/reasoned

: Yes/No

Whether reportable

: Yes/No