

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA 920/2022

Date of decision: November 24, 2022

Jai Gopal Verma

.....Petitioner

Vs.

Meenu

.....Respondent

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr.Sumanpreet Aulakh, Advocate for the petitioner/husband
 Mr.Vinod Kumar, Advocate for the respondent/wife

Nidhi Gupta, J.

Petitioner husband has filed this Transfer Application with a prayer to transfer a petition under Section 13 of the HMA titled as Meenu v Jai Gopal Verma from the Court of Principal Judge, Family Court, Amritsar to a court of competent jurisdiction at Rajpura, District Patiala.

Learned counsel for the petitioner submits that the marriage between the parties was solemnized on 30.9.2009 according to Hindu rites and ceremonies and out of this wedlock two children i.e. one son namely Aditya now aged about 7 years and one daughter namely Bani now aged about 4, were born, who are living with the petitioner. It is further submitted that before her marriage with the petitioner, respondent was already married with one Pawan Kumar resident of Amritsar, as is evident from petition under

Section 13-B of the HMA (Anneuxre P-1) filed by said Pawan Kumar at Amritsar, on 23.9.2009 and which was dismissed as withdrawn by said Pawan Kumar on 6.4.2010. According to the counsel for the petitioner, the respondent concealed the factum of her previous marriage which shows her malafide intention from day one. It is further stated that in order to grab the property of the petitioner, during respondent's stay at matrimonial home at Rajpura, she always threatened to kill herself and two minor children due to which petitioner moved an application to ASI, PS Rajpura No.157 dated 21.3.2017(P-3) which is still pending. It is alleged that respondent has now filed a petition under Section 13 of HMA at Amritsar just to harass the petitioner and extract money. He is suffering from PIVDC LBA due to which he is unable to travel between Rajpura and Amritsar which are at a distance of 230 kilometers with two children and that he apprehends threat to his life and his family at the hands of the respondent. It is in these circumstances that prayer for transfer of petition under Section 13 HMA from the Courts at Amritsar to Rajpura has been sought.

Learned counsel for the respondent vehemently opposes the prayer made in this petition though it remains undisputed that the minor children born out of the wedlock of the parties are residing with the petitioner at Rajpura; and that the respondent/wife was already married when she entered into wedlock with the petitioner.

Heard learned counsel for the parties.

In the peculiar facts and circumstances, as noticed above, the present Transfer Application is allowed, petition under Section 13 of the HMA, as detailed in opening para of this order, is transferred from Amritsar to a Court of competent jurisdiction at Rajpura subject to the following conditions:

a) The petition filed by respondent wife under Section 13 of the Hindu Marriage Act, titled Meenu v Jai Gopal Verma pending in the Court of Principal Judge, Family Court, Amritsar is transferred to a court of competent jurisdiction at Patiala.

b) The Id. District Judge, Amritsar is directed to transfer complete record pertaining to the aforesaid case to District Judge, Patiala.

c) The parties, through their counsel, are directed to appear before the District & Sessions Judge, Patiala on 23.12.2022 for further proceedings in accordance with law.

d) The District Judge, Patiala will assign the said petition to a Court of competent jurisdiction.

The concerned Court at Patiala, will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

The Court concerned will accommodate them with one date in one calendar month.

Disposed of.

November 24,2022.
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No