

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

TA-1017-2021 (O&M)

Date of decision: 10.02.2022

Smt. Pooja Sharma

....Petitioner

Versus

Manish Bhardwaj

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: None

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 14.10.2021, the following order was passed by this Court:-

“This petition has been filed by the wife seeking the transfer of the petition filed under Section 13(1) of the Hindu Marriage Act, 1955, bearing case No.HMA/1178/2020, titled as "Manish Bhardwaj vs. Smt. Pooja Sharma", pending in the Court of District Judge, Family Court, at Faridabad, to the Court of competent jurisdiction at Gurugram.

The petitioner claims that she got married to the respondent on 22.02.2019. She claims that presently, she is residing with her parents at Gurugram and the distance between Faridabad and Gurugram, is more than 40 Kms. The petitioner further claims that she cannot properly defend the petition at Faridabad.

The learned counsel representing the petitioner places reliance on the following litigations pending in District Court, Gurugram:-

(i) Under Section 12 of the Protection of Women from Domestic Violence Act, 2005

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

(iii) FIR No.003, dated 05.01.2021, registered under Section 323/34/354-A/354-B/377/406/498A/506/509/511 IPC, at Police Station Women West Gurugram, District Gurugram.

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

Notice of motion for 26.11.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel Sh. Vijay Sharma, at District Courts, Faridabad.

Dasti also.”

Since the respondent has not entered appearance, therefore, the facts noticed in the order dated 14.10.2021 remain uncontroverted. Hence, the transfer application is allowed. It is directed that the proceedings in petition filed under Section 13(1) of the Hindu Marriage Act, 1955, bearing case No.HMA/1178/2020, titled as "Manish Bhardwaj vs. Smt. Pooja Sharma", pending in the Court of District Judge, Family Court, at Faridabad, be transferred to the Court of competent jurisdiction at Gurugram. 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, Gurugram, 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