

TA-1016-2021

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

(227)

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Date of Decision:-14.02.2022.

Raj Rani

.....Petitioner

Versus

Gurpal Chand

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rishu Mahajan, Advocate for the petitioner.

Mr. Harish Sharma, Advocate for the respondent.

(Through Video Conferencing)

ANIL KSHETARPAL, J. (Oral)

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

This is a petition for transferring proceedings in the petition filed under Section 9 of the Hindu Marriage Act, 1955 filed by the respondent.

On 14.10.2021, 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, titled as "Gurpal Chand vs. Raj Rani", pending in the Court of Principal Judge, Family Court, at Ludhiana, to the Court of competent jurisdiction at Jalandhar.

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The petitioner claims that she got married to the respondent on 12.04.2012. She claims that presently, she is residing with her parents at Jalandhar and the distance between Ludhiana and Jalandhar, is more than 65 Kms. The petitioner further claims that she cannot properly defend the petition at Ludhiana.

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

- (i) Under Section 12 of the Protection of Women from Domestic Violence Act, 2005.*
- (ii) (iii) Under Section 125 Cr.P.C.*

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 at District Courts, Ludhiana.

Dasti also.”

A reply to the application has been filed in which it has been submitted that the parties started residing separately pursuant to a settlement entered into with the intervention of the respectables. It has further been pointed out that the distance between Ludhiana and Jalandhar is 60 kms. It is not disputed that the respondent is already defending the litigations in Jalandhar as noted in the order dated 14.10.2021.

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Hence the application is allowed. The proceedings of the case bearing No.***HMA-715/2021 (Gurpal Chand Vs. Raj Rani)*** pending in the Family Court, Ludhiana, is ordered to be transferred to the Court of competent jurisdiction at Jalandhar.

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

The parties through their counsel are directed to appear before the transferee Court on 02.03.2022.

(ANIL KSHETARPAL)
JUDGE

February 14, 2022.

sandeep

Whether speaking/reasoned:-

Yes/No

Whether Reportable:-

Yes/No