

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

TA-1119-2021 (O&M)

Date of decision: 10.02.2022

Nishu @ Nishu Rani

...Petitioner

Versus

Puneet Kumar Arora

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deshpreet Singh, Advocate for the petitioner

Mr. Joginder Sharma, Advocate 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.

While issuing notice of motion on 15.11.2021, the following order was passed by this Court:-

“Taken up through physical hearing.

Learned counsel for the petitioner would contend that the distance the petitioner-wife has to travel from her place of residence in Sri Muktsar Sahib to Moga, where the respondent-husband has filed the petition for restitution of conjugal rights, is more than 80 kilometres one way and it would be difficult for the petitioner to properly contest the petition at Moga. It is further contended that as many as three cases filed by the petitioner wife against the respondent, viz. an application under Section 125 CrPC, Complaint Case under various sections of IPC and an application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are already pending at Sri Muktsar Sahib.

Notice of motion returnable 06.12.2021.

Dasti as well. Liberty to serve through the counsel representing the respondent in the Court below.”

Learned counsel representing the petitioner has brought to

the notice of the Court that the petitioner is taking care of her minor

daughter Aarvi, who is 3 years and 7 months old. The child is stated to be residing with the petitioner at Sri Muktsar Sahib.

Reply to the transfer application has been filed. It has been alleged that the petitioner is having some kind of relationship with another person and therefore, it would not be convenient for the respondent to prosecute the case at Sri Muktsar Sahib.

The respondent is already defending three cases at District Courts, Sri Muktsar Sahib.

Keeping in view the aforesaid facts, the transfer application is allowed. It is directed that the proceedings in petition filed under Section 9 of the Hindu Marriage Act, 1955, bearing No. HMA/485/2020 titled as 'Puneet Kumar Arora vs. Nishu Rani' pending in the Court of Principal Judge, Family Court, Moga, be transferred to the Court of competent jurisdiction at Sri Muktsar Sahib. 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, Sri Muktsar Sahib, 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

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE