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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

TA No.1106 of 2021 (O&M)

Date of decision: 11.07.2022

Pooja Rani

....Petitioner

Versus

Jaswinder Singh

....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. M.S. Atwal, Advocate
for the petitioner.

None for the respondent.

ARVIND SINGH SANGWAN J. (Oral)

Prayer in this petition is for transfer of a petition filed under Section 9 of the Hindu Marriage Act, from the Court of Principal Judge, Family Court, Ferozepur to the Court of competent jurisdiction at Mukerian.

On 12.11.2021, the following order was passed:-

“Learned counsel for the petitioner would contend that the distance the petitioner-wife has to travel to attend the proceedings at Ferozepur from the place of her residence in Mukerian is about 400 kilometres up and down and hence the petitioner is not in a position to defend the case properly and effectively. It is further contended that two petitions filed by the petitioner – one under Section 125 CrPC and the other under Section 12 of the Protection of Women from Domestic Violence Act, 2005 – are already pending at Mukerian besides the FIRNo.190 dated 19.09.2021 lodged by the petitioner against the respondent and his family members under Sections 498A and 406 IPC at Police Station Mukerian.”

Counsel for the petitioner has argued that the following 02 petitions as well as FIR, have been filed by the petitioner against the respondent at Mukerian, District Hoshiarpur:-

- 1. Petition under Section 125 Cr.P.C.*
- 2. Petition under 12 of the Protection of Women from Domestic Violence Act, 2005*
- 3. FIR No.190 dated 19.09.2021 registered under Sections 406 and 498-A IPC Police Station Mukerian.*

Counsel for the petitioner has further submitted that as a counter-blast to the aforesaid petition, the respondent/husband has filed the petition under Section 9 of the Hindu Marriage Act at Ferozepur. It is also submitted that the petitioner has no independent source of income to defend the case at Ferozepur, which is at the distance of about 200 Kms from Mukerian, District Hoshiarpur.

There is no representation on behalf of the respondent. The situation was not different even on the last date of hearing.

Accordingly, the present petition is allowed and the petition filed under Section 9 of the Hindu Marriage Act, pending in the Court of Principal Judge, Family Court, Ferozepur, is ordered to be transferred to the court of competent jurisdiction at Mukerian, District Hoshiarpur.

Disposed of.

(ARVIND SINGH SANGWAN)
JUDGE

11.07.2022

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Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No