

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

TA-1152-2021 (O&M)

Date of decision: 07.02.2022

Neetu Batta

...Petitioner

Versus

Mukesh Garg

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sachin Kalia, Advocate for the petitioner

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.

This is wife's petition under Section 24 of the Code of Civil Procedure, 1908, seeking the transfer of proceedings in a petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing HMA no.573 of 2021 titled as 'Mukesh Garg vs. Neetu Batta' from the Court of Principal Judge, Family Court, Hoshiarpur, to the Court of competent jurisdiction at Ludhiana.

While issuing notice of motion on 03.12.2021, the following order was passed by this Court:-

“Taken up in virtual mode.

Learned counsel for the petitioner would contend that the petitioner-wife would have to travel the distance of about 80 kilometres (one way) from her place of residence in Ludhiana in order to attend the divorce proceedings initiated by the respondent-husband at Hoshiarpur and, hence, she would not be able to properly defend her case on each and every date of hearing. It has further been contended that two

other cases initiated by the petitioner - a petition under Section 125 CrPC and a complaint under Section 12 of the Protection of Women from Domestic Violence Act, 2005 -are already pending in the Courts at Ludhiana.

Notice of motion returnable 17.12.2021.

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

Since the respondent has not entered appearance, therefore, the facts noticed in the order dated 03.12.2021 remain uncontroverted. Hence, the transfer application is allowed. It is directed that the proceedings in petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing HMA no.573 of 2021 titled as 'Mukesh Garg vs. Neetu Batta' pending in the Court of Principal Judge, Family Court, Hoshiarpur, be transferred to the Court of competent jurisdiction at Ludhiana. 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, Ludhiana, on 22.02.2022, 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.

07.02.2022

rekha

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE