

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

233

TA-1233-2021 (O&M)

Date of decision: 09.02.2022

NEERU BALA

..Petitioner

Versus

MITHUN KUMAR

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Sandeep Sharma, 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.

On 13.12.2021, the following order was passed:-

“This petition has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955, being HMA/583/2021 titled as “Mithun Kumar vs. Neeru Bala” pending in the Court of Principal Judge, Family Court, Gurdaspur, to the Court of competent jurisdiction at Pathankot.

Learned counsel for the petitioner would contend that the petitioner got married to the respondent on 07.03.2019 and out of the said wedlock a child was born. The petitioner along with her minor child is residing with her parents at Pathankot and in order to attend the proceedings before the Family Court at Gurdaspur she would have to travel a distance of 50 Kms (one way). It is further contended that the petitioner is looking after her 1½ years old child and a petition filed by her under Section 125 of the Code of Criminal Procedure, 1973 is already pending before the Court at Pathankot.

Notice of motion returnable 19.01.2022.

Process dasti as well.

The petitioner is at liberty to serve the respondent

through the counsel representing him in the Court below.

Meanwhile, the Court concerned shall adjourn the case beyond the date fixed by this Court.”

As per the office report, notice issued to the respondent has been received back served through his Trial Court counsel. However, the respondent remains unrepresented.

The facts noticed in the order dated 13.12.2021 remain uncontroverted. Hence, the application is allowed. The proceedings of the case bearing No.HMA-583-2021 (Mithun Kumar vs. Neeru Bala) pending in the Family Court, Gurdaspur, is ordered to be transferred to the Court of competent jurisdiction at Pathankot.

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

The parties through their counsel are directed to appear before the transferee Court on 24.02.2022.

All the pending miscellaneous application(s), if any, are also disposed of.

09.02.2022

ashok

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)

JUDGE