

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

240

TA-1263-2021

Date of Order: 07.02.2022

SARABJIT KAUR

..Petitioner

Versus

AVTAR SINGH AND ANR

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Naresh Kumar Manchanda, Advocate
for the petitioner.

ANIL KSHETARPAL, J(Oral)

This is an application filed by the wife of the respondent with a prayer to transfer a petition filed under Section 13 of the Hindu Marriage Act, 1955, bearing case No.DMC/154/2021, titled as “Avtar Singh Vs. Sarabjit Kaur and another”, pending in the Court of Principal Judge, Family Court, Zira, District Ferozepur to the Court of competent jurisdiction at Moga, Punjab.

As per the office report, respondent No.1, who is the only contesting respondent has been served, however, he remains unrepresented. Respondent No.2 is stated to be only proforma respondent.

On 17.12.2021, the following order was passed:-

“Taken up in physical mode.

Learned counsel for the petitioner would contend that the petitioner-wife would have to travel a distance of about 50 kilometres (one way) from her place of residence in District Moga in order to attend to the divorce proceedings initiated by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 pending in the Court of Principal Judge, Family Court, Ferozepur bearing case No.DMC 154/2021 and, hence, she would not be able to properly defend her case on each and every date of hearing. It is further contended that the petitioner is a cancer patient and is undergoing treatment. The further contention is that one case under Section 125 CrPC for grant of maintenance initiated by the petitioner is already pending at Moga.

*Notice of motion returnable 17.01.2022.
Dasti as well. Liberty to serve through the counsel
representing the respondent in the Court below.”*

The facts noticed in the order dated 17.12.2021, remain controverted.

Hence, the application is allowed.

The petition under Section 13 of the Hindu Marriage Act, 1955, bearing case No.DMC/154/2021, titled as “Avtar Singh Vs. Sarabjit Kaur and another”, pending in the Court of Principal Judge, Family Court, Zira, District Ferozepur, is ordered to be transferred to the Court of competent jurisdiction at Moga, Punjab.

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

The petitioner through her counsel is directed to appear before the transferee Court on 22.02.2022.

All the pending miscellaneous applications, if any, are also disposed of.

February 07th, 2022

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**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No