

ANAYA

... PETITIONER

V/S

SUMIT KUMAR

... RESPONDENT

CORAM: HON'BLE MR. JUSTICE VIVEK PURI

Present: Mr. T.S.Attariwala, Advocate for the petitioner.

* * *

VIVEK PURI, J. (ORAL)

The petitioner is seeking transfer of petition bearing MNT No. 384 of 2021 dated 17.06.2021 from Family Court, Derabassi, SAS Nagar (Mohali) to the Court of competent jurisdiction at Patiala.

Learned counsel for the petitioner contends that the petition under Section 125 Cr.P.C. has been instituted on behalf of the petitioner, who is the minor daughter of Sonam Rani. At the earlier instance, the mother of the petitioner was residing at Zirakpur and subsequently, she has shifted her residence to the parental house at Patiala. The respondent has instituted a petition under Section 13 of Hindu Marriage Act against the mother of the petitioner in the Family Court, SAS Nagar (Mohali) and the same has been transferred to the competent Court of jurisdiction at Patiala in terms of the order dated 21.09.2022 passed in TA No. 1119 of 2022. Even the trial of the case with regard to commission of offence under Section 498-A IPC against the respondent is also pending in the Court at Patiala. Accordingly, transfer of the petition under Section 125 Cr.P.C. has been sought.

In terms of the order dated 21.09.2022 in TA No. 1119 of 2022, the petition under Section 13 of Hindu Marriage Act, which was pending in the Court at SAS Nagar (Mohali) has been transferred to the competent court of jurisdiction at Patiala subject to the following conditions:

“1. The petition filed under Section 13 of the Hindu Marriage Act, pending before the Family Court, SAS Nagar (Mohali) will be transferred to the competent Court of jurisdiction at Patiala.

2. The District Judge, Patiala, will assign the said petition to the competent Court of jurisdiction.

3. The Family Court, SAS Nagar (Mohali) is directed to transfer all the record pertaining to the aforesaid case(s) to District Judge, Patiala.

4. The parties are directed to appear before the Family Court, Patiala within a period of 01 month from today.

5. The Family Court, Patiala will make all the endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of amicable settlement between the parties.

6. The Court concerned, where the litigations between the parties are pending, will accommodate them with one date in one calender month.

However, liberty is granted to the respondent to revive this petition, if he intent to contest the same, provided that:-

(a) The respondent will clear all arrears of maintenance amount, if any, in terms of a petition filed by the petitioner either under Section 125 Cr.P.C. or Section 12 of the Domestic Violence Act or Section 24 of the Hindu Marriage Act.

(b) The respondent will file an affidavit giving undertaking to pay Rs.1,000/- per day, to the petitioner for attending the Court proceedings at SAS Nagar (Mohali), on each and every date of hearing.

(c) The respondent will bring a demand draft of Rs.25,000/- towards the litigation expenses of the petitioner to pursue the case at SAS Nagar (Mohali), in case the respondent opt to contest this petition.

Present petition is disposed of accordingly.“

Keeping in view the fact that the mother of the petitioner is presently residing at Patiala and other cases between the parties are also pending there. As such, it is deemed fit and appropriate to transfer the MNT No. 384 of 2021 from the Family Court, Derabassi, SAS Nagar (Mohali) to

the Family Court, Patiala in the same terms and conditions as directed in TA No. 1119-2022 decided on 21.09.2022. However, the period of one month as specified in the aforesaid direction no.4 shall be construed from today. Furthermore, in the event, the respondent intends to revive the petition, the amounts as specified in Clause (b) and (c) aforesaid shall be paid to the petitioner through her mother.

The petition is accordingly disposed of.

13.12.2022

Janki

**(VIVEK PURI)
JUDGE**

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