

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

Transfer Application No. 504 of 2023

Date of decision: 24.04.2023

Jaideep Singh

.....Petitioner

vs

Anandika

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dinesh Mahajan, Advocate
for the petitioner.

NIDHI GUPTA, J.(Oral)

1. Prayer in this petition filed by petitioner-husband is for transfer of the petition filed by him under Section 13 of the Hindu Marriage Act, 1955 (for short 'the Act') titled "Jaideep Singh vs. Anandika" pending in the Court of Principal Judge, Family Court, Hoshiarpur to a Court of competent jurisdiction at Family Camp Court at Mukerian, District Hoshiarpur.

2. Learned counsel for the petitioner submits :-

- i) That the parties were married on 21.02.2006 according to Hindu rites and rituals.
- ii) That a male child was born out of this wedlock, who is around 14 years of age and is in the care and custody of the respondent-wife.

- iii) That the respondent-wife is having qualification of B.A., B.Ed and working as tuition teacher and earning more than Rs.50,000/- per month.
 - iv) That the proceedings arising out of petitions :-
 - (a) under the Protection of Women from Domestic Violence Act, 2005; and
 - (b) under Section 125 Cr.P.C.;filed by the respondent-wife, are already pending before the Courts having competent jurisdictions at Mukerian, District Hoshiarpur, in which both the parties are appearing.
 - v) That the distance between Tehsil Mukerian, where both the petitions filed by respondent-wife are pending and District Hoshiarpur, where the petition, which is the subject matter of transfer is pending, is about 70 kilometers one side.
 - vi) That both the parties are presently residing at Mukerian, District Hoshiarpur. In case the petition, which is subject matter of transfer in the present petition, is transferred to Camp Court at Mukerian, it will not prejudice the rights of the respondent-wife as she has already filed two cases (detailed above), which are pending in the Camp Court at Mukerian and she is regularly appearing there. The Presiding Officer, before whom the petition, which is the subject matter of transfer in this petition, is pending, is also holding the Camp Court, Mukerian once a week.
3. It is *inter alia* on these grounds that petitioner prays for transfer of the case, as detailed in para 1 above.
4. I have heard learned counsel for the petitioner.
5. In view of the above, the present petition is allowed, subject to the following conditions:-
- a) The petition filed by the petitioner-husband under Section 13 of Act, bearing No. HMA/473/2021

titled as 'Jaideep Singh vs. Anandika', pending in the Court of Principal Judge, Family Court, Hoshiarpur is transferred to the Camp Court at Mukerian, District Hoshiarpur.

- b) The Id. District Judge, Hoshiarpur is directed to transfer complete record pertaining to the aforesaid case to Family Court Camp at Mukerian.
- c) The parties are directed to appear before the Family Camp Court at Mukerian, District Hoshiarpur on 14.06.2023.
- d) The District Judge, Hoshiarpur will assign the said petition to the Court of competent jurisdiction.

6. The concerned Family Court Camp at Mukerian will make all endeavour to refer the case before the Mediation and Conciliation Centre for exploring the possibility of some amicable settlement between the parties.

7. The Court concerned, where the litigation is pending between the parties, will accommodate them with one date in one calendar month.

8. As already noticed above, since the petition is being disposed of without issuing notice to the respondent, accordingly, in these peculiar circumstances, in order to ensure appearance of the parties before the Presiding Officer, Family Camp Court at Mukerian on 31.5.2023, it is directed that a copy of this order be sent to the respondent through registered post, besides sending a copy of this order to the District Judge concerned through e-mail. Petitioner through his counsel, present in the Court, is directed to ensure his appearance accordingly.

9. Disposed of.

Pending application(s), if any, stands disposed of.

April 24, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned	YES/NO
Whether Reportable	YES/NO