

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

Transfer Application No. 614 of 2023

Date of decision: 11.05.2023

Jaswinder Singh

.....Petitioner

vs

Manpreet Kaur

.....Respondent

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Dinesh Nagar, 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 himself under Section 9 of the Hindu Marriage Act, 1955 (for short 'the Act'), bearing No. HMA/1544/2020 titled 'Jaswinder Singh vs. Manpreet Kaur' pending in the Court of Addl. Principal Judge, Family Court, Ludhiana to a Court of competent jurisdiction at Hoshiarpur OR for transfer of petition filed by respondent-wife under Section 125 Cr.P.C. bearing No. MNT/125/129/2021, titled as 'Manpreet Kaur vs. Jaswinder Singh', pending in the Court of the Principal Judge, Family Court, Hoshiarpur to the Court of competent jurisdiction at Ludhiana.

2. Learned counsel for the petitioner-husband submits that the parties were married in the year 2019 according to Sikh rites and rituals and no child was born out of this wedlock. The parties are

living separately from each other since 22.1.2020. Learned counsel for the petitioner-husband submits that the two aforementioned cases between the parties are pending at different places, hence, creating undue inconvenience and unwarranted harassment to both the parties. Therefore, learned counsel for the petitioner requests that either the petition under Section 9 of the Act filed by him, which is pending in the Court at Ludhiana be transferred to the Court at Hoshiarpur or the petition under Section 125 Cr.P.C., filed by respondent-wife against the petitioner-husband, pending in the Court at Hoshiarpur, be transferred to Ludhiana.

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 petition is allowed, however, subject to the following conditions:-

- a) The petition filed by petitioner-husband under Section 9 of Act, bearing No. HMA/1544/2020 titled as 'Jaswinder Singh vs. Manpreet Kaur', pending in the Court of Addl. Principal Judge, Family Court, Ludhiana is transferred to a Court of competent jurisdiction at Hoshiarpur.
- b) The Id. District Judge, Ludhiana is directed to transfer complete record pertaining to the aforesaid case to District Judge, Hoshiarpur.
- c) The parties are directed to appear before the District & Sessions Judge, Hoshiarpur on 14.6.2023.
- d) The District Judge, Hoshiarpur will assign the said petition to the Court of competent jurisdiction.

6. The concerned Court at Hoshiarpur 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 and considering the fact that issuance of notice to the respondent has the consequences of staying further proceedings before the trial Court, otherwise the petitioner-wife will have to bear the litigation expenses and transportation expenses and in case, notice of motion is issued, even the respondent-husband has to bear the litigation expenses, hence, 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 District Judge, Hoshiarpur on 14.6.2023, 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 Judges concerned through e-mail. Petitioner through her counsel, present in the Court, is directed to ensure her appearance accordingly.

9. Disposed of.

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

May 11, 2023
Vijay Asija

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned

YES/NO

Whether Reportable

YES/NO