

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH
(129)

TA-1098-2023 (O&M)
Date of decision: 17.10.2023

Aarti
....Petitioner

Vs.

Navreet Singh
....Respondent

CORAM: HON'BLE MR. JUSTICE ARVIND SINGH SANGWAN

Present: Mr. Chahat Goyal, Advocate
for the petitioner.

Mr. Parunjeet Singh, Advocate
for the respondent.

ARVIND SINGH SANGWAN, J. (Oral)

Prayer in this petition is for transfer of the petition filed by the respondent-husband under Section 9 of the Hindu Marriage Act, pending before the Family Court, Ludhiana to the competent Court of jurisdiction at Sangrur.

Learned counsel for the petitioner has argued that the respondent-husband has filed the aforesaid petition before the Family Court, Ludhiana, in which notice has been issued. It is further submitted that the petitioner is presently residing in New Zealand and has filed the present petition through her father-Special Power of Attorney Kartar Singh. It is

also submitted that a complaint is also pending with the police authorities at Sangrur.

A perusal of both the aforesaid petitions reveals that petition under Section 9 of Hindu Marriage Act was filed on 17.02.2023, whereas the petition under Section 13 of Hindu Marriage Act was filed on 17.07.2023 by the petitioner-wife through her father-Special Power of Attorney before the Family Court, Sangrur.

Learned counsel further submits that looking into convenience of the petitioner-wife, petition under Section 9 of Hindu Marriage Act filed by the respondent-husband be transferred from Ludhiana to Sangrur.

Learned counsel for the respondent has, however, opposed the prayer on the ground that the petitioner is fighting the proxy litigation, as she is living abroad and there is nothing on record to suggest that her father is unable to prosecute and defend the case at Ludhiana.

After hearing the counsel for the parties, I find no merit in the present petition, for the following reasons: -

- (a) The petition under Section 9 of Hindu Marriage Act was filed prior in time.
- (b) In both the petitions, the petitioner is residing abroad and is defending the case through her father-Special Power of Attorney.
- (c) The divorce petition filed by the petitioner-wife was filed subsequently.

Considering the fact that the petition under Section 9 of Hindu Marriage Act was filed by the respondent-husband earlier to filing of the petition under Section 13 of Hindu Marriage Act filed by the petitioner-wife, which are to be decided by one Court, as the allegations are identical in nature, present petition is dismissed. Therefore, exercising suo motu powers, the petition under Section 13 of Hindu Marriage Act filed by the petitioner-wife is transferred from the Court of Principal Judge, Family Court, Sangrur to the competent Court of jurisdiction at Ludhiana.

The Family Court, Sangrur is directed to transfer all the record pertaining to the petition under Section 13 of Hindu Marriage Act filed by the petitioner-wife to District Judge, Ludhiana.

The District Judge, Ludhiana will assign the petition under Section 13 of Hindu Marriage Act filed by the petitioner-wife to the same Court, before whom the petition under Section 9 of Hindu Marriage Act filed by the respondent-husband is already pending.

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

Disposed of accordingly.

[ARVIND SINGH SANGWAN]
JUDGE

17.10.2023
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Whether speaking/reasoned : Yes/No

Whether reportable: Yes/No