



TA-33-2024

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

Sr. No.113**TA-33-2024****Date of Decision: 18.09.2024****REKHA RANI****....Applicant****Versus****NARINDER KUMAR****.....Respondent****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Ribhav Singla, Advocate
for the applicant.

ARCHANA PURI, J. (Oral)

Mr. Rajesh Kumar Dhankar, Advocate, has made appearance on behalf of the respondent and filed Power of Attorney, which is taken on record. At this stage, he submits that he does not intend to file reply to the transfer application. Rather, he submits that, as per the instructions of the respondent, he has no objection, if the transfer application is allowed.

Learned counsel for the parties heard.

The applicant-wife has filed the present application for seeking transfer of the petition under Section 13 of the Hindu Marriage Act i.e. HMA/72/2022, titled '*Narinder Kumar Vs. Rekha Rani*', filed by the respondent-husband, pending in Family Court Sunam and she seeks transfer



TA-33-2024

of the same to the Court of competent jurisdiction at Samana, District Patiala.

It is submitted by the counsel for the applicant that on account of the matrimonial discord, the parties are residing separate. The applicant, at present, is residing at Pattran, which falls within the sub-division Samana, District Patiala. Both the children born from the wedlock of the parties to the lis, who are aged about 12 years old and 7 years old, are in the care and custody of the respondent, at present. The applicant has filed petition under Section 125 Cr.P.C., petition under the Protection of Women from Domestic Violence Act, as well as civil suit i.e. CS/38/2023, for seeking recovery of the arrears of maintenance and the said cases are already pending in the Courts at Samana.

Even, the counsel for the respondent has given a statement that the respondent has no objection, if the divorce petition is transferred to the Samana Courts.

Keeping in view the statement given by the counsel for the respondent, considering the fact of the earlier litigation arising from this matrimonial dispute, to be already pending in the Courts at Samana and considering the convenience of the applicant to pursue the divorce petition, the application is hereby accepted and the petition under Section 13 of the Hindu Marriage Act i.e. HMA/72/2022, titled '*Narinder Kumar Vs. Rekha Rani*', filed by the respondent-husband, stands transferred from Family Court Sunam, to Family Court (Camp Court) Samana, District Patiala. The requisite record of the aforesaid case be sent by Family Court Samana, to the District and Sessions Judge, Patiala.



TA-33-2024

Learned District and Sessions Judge, Patiala, shall assign the said petition to Family Court (Camp Court) Samana. Even, the parties are directed to appear before Family Court (Camp Court) Samana, within a period of one month from today onwards.

18.09.2024
Himanshu

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No