



TA No. 1048 of 2023 (O&M)

116 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA No. 1048 of 2023 (O&M)
DATE OF DECISION: 15.01.2025

ANJU SHARMA

.....APPLICANT

Vs.

CHETAN SHARMA

.....RESPONDENT

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Charanjit Singh , Advocate,
for the petitioner.

None for the respondent.

HARPREET KAUR JEEWAN, J. (ORAL)

1. The present application under Section 24 of the Code of Civil Procedure has been filed by the applicant with a prayer to transfer the petition bearing No. 277 of 2021 pending in the Court of learned Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala, under Section 9 of the Hindu Marriage Act, 1955 (for short the *Act of 1955*), to the learned Additional Principal Judge, Family Court, having jurisdiction at District Amritsar, Camp Court Baba Bakala.

2. The respondent has already been proceeded against *ex parte*, vide order dated 08.01.2025.

3. Learned counsel for the applicant *inter alia* contends that the petitioner is residing at Baba Bakala, District Amritsar and the Principal Judge, Family Court, District Amritsar, Camp Court Baba Bakala is having



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the jurisdiction. The respondent had filed a petition under Section 9 of the Hindu Marriage Act, 1955, before the learned Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala (Annexure P-1). The petitioner is also having the custody of a minor child who is 04 years old and it is very difficult for the petitioner to leave the child and attend the Court proceedings at Family Court, Gurdaspur, Camp Court Batala, as the distance is approximately 64 kilometers.

3.1 It is further contended that the petitioner has also got registered an FIR No. 100, dated 28.05.2022, under Sections 406/498-A, at Police Station Beas, District Amritsar, against the respondent. The respondent is a Constable in Punjab Police and posted at Police Station City Batala, District Gurdaspur.

3.2 It is further contended that the petition filed by the petitioner under Section 125 Cr.P.C. seeking maintenance is also pending before the Camp Court Baba Bakala District Amritsar (Annexure P-2). The respondent is not contesting the said petition as he was proceeded against *ex parte*, vide order dated 08.01.2025.

4. Keeping in view the difficulty faced by the applicant and in view of the law laid down by Hon'ble the Supreme Court in Sumita Singh Vs. Kumar Sanjay and another AIR 2002 SC 396, Rajani Kishor Pardeshi Vs. Kishor Babulal Pardeshi (2005) 12 SCC 237 and N.C.V. Aishwarya Vs. A.S.Saravana Karthik Sha 2022 SCC OnLine SC 1199, the present petition is allowed and petition under Section 125 Cr.P.C filed by the **respondent-wife** bearing No. 277 of 2021 pending in the Court of learned



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Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala, is ordered to be withdrawn from Additional Principal Judge, Family Court, Gurdaspur, Camp Court Batala, and transferred to the Principal Judge, Family Court, District Amritsar, Camp Court Baba Bakala.

5. Application stands allowed.

January 15, 2025
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(HARPREET KAUR JEEWAN)
JUDGE

Whether Speaking	Yes
Whether Reportable	No