

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

TA-291 of 2014 (O&M)
Date of decision: 05.02.2016

Veerpal Kaur @ Virender Kaur ..Petitioner

Versus

Rajinder Pal Singh ..Respondents

CORAM: HON'BLE MR.JUSTICE JITENDRA CHAUHAN

Present: Mr. J.S. Brar, Advocate for the petitioner.

Mr. Jagjit Gill, Advocate for the respondent.

Jitendra Chauhan, J. (Oral)

The present petition under Section 24 of the Civil Procedure Code (for short "CPC") has been filed for transfer of Civil Misc. Application No. 18-CMA-2013 dated 28.01.2013, under Order 9 Rule 13 CPC, pending in the Court of Addl. District Judge, Sirsa (Haryana) to any competent court at Sri Muktsar Sahib (Punjab).

The marriage between the parties was solemnized on 24.10.1999. A son is born out of the wedlock. The respondent obtained an ex-parte decree of divorce by furnishing incomplete address of the petitioner. The petition, sought to be transferred, is for setting aside the ex parte decree of divorce.

It is contended that the petitioner is a permanent resident of Sri Muktsar Sahib and has been residing in her parental house along with her minor son after the respondent ousted her from the matrimonial home. She has no source of income to maintain her and son. The petition

preferred by the petitioner under Section 125 Cr.P.C., is already pending adjudication at Sri Muktsar Sahib. In these circumstances, it is difficult for the petitioner to attend the proceedings at Sirsa, which is about 150 kms away from Sri Muktsar Sahib.

On the other hand, the learned counsel for the respondent states that the respondent had already obtained ex parte decree of divorce vide order dated 11.12.2012 and now, the petitioner has filed the present petition just to humiliate the respondent.

Heard.

Taking into consideration the fact that the petitioner has no resources, the distance between Sirsa and Sri Muktsar Sahib is about 150 kms and a petition filed by the petitioner under Section 125 Cr.P.C., wherein the respondent has been appearing, is already pending at Sri Muktsar Sahib, therefore, this Court finds that the grounds set out in the petition are sufficient to allow this application.

In view of the above, the present petition is allowed, the Civil Misc. Application No. 18-CMA-2013 dated 28.01.2013, pending in the Court of Addl. District Judge, Sirsa (Haryana), is ordered to be withdrawn from Sirsa and transferred to Sri Muktsar Sahib. The parties through their counsel are directed to appear before the Sessions Judge, Sri Muktsar Sahib on 03.03.2016, who will entrust the case to some competent Court of jurisdiction for disposal according to law.

05.02.2016

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(JITENDRA CHAUHAN)
JUDGE