

IN THE HIGH COURT FOR THE STATES OF PUNJAB AND HARYANA
AT CHANDIGARH

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TA No.825 of 2018
Date of decision : 17.10.2018

Veena Rani

... Petitioner

Versus

Sunil Kumar

.... Respondent

CORAM: HON'BLE MR.JUSTICE HARINDER SINGH SIDHU

Present:- Mr.Diwan S.Adlakha, Advocate for the petitioner.
None for the respondent.

Harinder Singh Sidhu, J.

Petitioner (wife) has filed the present petition under Section 24 of the Code of Civil Procedure for transfer of the application under Order 9 Rule 13 CPC for setting aside exparte judgment and decree dated 30.1.2017 in HMA case No.473/13.7.2016 titled as “Sunil Kumar Vs. Veena Rani” as well as all consequential proceedings from the court of Additional District Judge (Family Court), Ambala, pending for 17.10.2018 to a court of competent jurisdiction at District Yamuna Nagar.

The marriage of the petitioner and respondent was solemnized on 7.2.2009. Two children namely Harshikha and Yash aged about 8 yrs and 4 yrs respectively, were born to them.

It is the case of the petitioner that after the marriage, the petitioner has been residing with the respondent. However, without informing her, the respondent filed a divorce petition against the petitioner. Notice thereof was never served to her. The respondent used the signatures of the petitioner available with him and obtained ex parte decree of divorce dated 30.1.2017. The petitioner had no knowledge thereof and she was residing with the respondent at that time. During the period from 28.4.2016 to 12.08.2016, they resided at Amritsar and even the children were admitted in the school at Amrtisar. In August, 2016, the respondent sent the petitioner to her

matrimonial home along with the children. However, on 14.5.2017, the petitioner was thrown out of her matrimonial home along with minor children. The petitioner learnt about the ex parte decree of divorce on 19.7.2017 and she immediately moved the application under Order 9 Rule 13 CPC for setting aside the ex parte judgment and decree of divorce on 29.7.2017 which is pending for today i.e. 17.10.2018 for evidence of the applicant.

It is stated that the petitioner has no independent source of income. It is with great difficulty that she is maintaining herself and her minor children. It would be very difficult for her to attend the court at Ambala which is at a distance of about 120 kms. from the place of residence of the petitioner.

The respondent has been served. However, no one has put in appearance on his behalf.

Considering the facts and circumstance of the case, this petition is allowed.

The application under Order 9 Rule 13 CPC for setting aside exparte judgment and decree dated 30.1.2017 in HMA case No.473/13.7.2016 titled as “Sunil Kumar Vs. Veena Rani” pending before the Addtional District Judge (Family Court) Ambala is withdrawn from that court and transferred to Yamuna Nagar. The learned District Judge, Yamuna Nagar may assign it to a competent court.

(Harinder Singh Sidhu)
Judge

17.10.2018

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Whether speaking/reasoned	:	Yes/No
Whether Reportable	:	Yes/No