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

TA No. 333 of 2020 (O&M)
Date of Decision: 24.08.2020

Priyanka Arora

-Petitioner

Versus

Manpreet Singh

-Respondent

CORAM: HON'BLE MR. JUSTICE RAJ MOHAN SINGH

Present: Mr. Nakul Sharma, Advocate,
for the petitioner.

None for the respondent.

RAJ MOHAN SINGH, J. (Oral)

The case has been taken up for hearing through video-conferencing.

Petitioner has preferred this petition under Section 24 of the Code of Civil Procedure for transfer of the case under Section 10 of Hindu Marriage Act for judicial separation from the court of Principal Judge, Family Court, Batala to competent Court at Ferozepur.

Learned counsel for the petitioner contends that the petitioner is resident of Ferozepur where she has already initiated proceedings under Section 125 Cr.P.C. FIR No.16 under Sections 498-A and 406 IPC has already been lodged at

Police Station Ghuman, District Ferozepur.

Petitioner is a lady. Distance between Batala and Ferozepur is about 200 kms.

Notice of motion was issued on 04.06.2020.

As per office report, service is complete. None appeared in the morning despite repeated calls. Even after pass over, none has put in appearance on behalf of the respondent.

In the matters arising out of matrimonial proceedings, convenience of womenfolk is to be appreciated on the strength of **Sumita Singh vs Kumar Sanjay and another, AIR 2002 SC 396** and **Neelam Kanwar vs Devinder Singh Kanwar, (2000) 10 SCC 589**, unless and until the same causes irreparable loss to the husband.

Evidently, the husband has not preferred to contest this petition. The averments made in the petition have gone un rebutted.

Pendency of petition under Section 125 Cr.P.C. and FIR No.16 under Sections 498-A and 406 IPC at the instance of the petitioner at Ferozepur would make balance of convenience in favour of the petitioner.

Distance between Batala and Ferozepur is about 200 kms.

Taking into consideration the totality of facts and circumstances of the case, I deem it appropriate to transfer the case under Section 10 of Hindu Marriage Act from the court of Principal Judge, Family Court, Batala to the court of competent jurisdiction at Ferozepur. The District Judge, Ferozepur on receipt of record would assign the same to some Court of competent jurisdiction at Ferozepur.

Petition is allowed in these terms.

August 24, 2020

Jyoti Sharma

(RAJ MOHAN SINGH)
JUDGE

1. Whether speaking/reasoned : Yes/No
2. Whether reportable : Yes/No