

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

TA-396-2020(O&M)

Date of decision: 16.11.2020

Simran

.....Petitioner

Versus

Pankaj

.....Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr.Deepak Vashisht, Advocate for the petitioner

ANIL KSHETARPAL, J. (ORAL)

Through this petition filed under Section 24 of Code of Civil Procedure the transfer of the petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as 'Pankaj vs. Simra' bearing DMC/176/2020 pending in the Court of District Judge, Family Court, Ganaur (Sonapat) has been sought to the Court of competent jurisdiction at Panipat.

It has been pleaded that the petitioner is residing with her parents at Panipat due marital discord between the parties. It has further been pleaded that she was blessed with a baby girl on 4.5.2020 and it will not be convenient for her to travel to Ganaur to attend the court proceedings.

The respondent has not chosen to appear. On 15.10.2020, the following order was passed by this Court:-

“All cases listed today have been taken up for hearing by way of video conferencing because of the situation existing due to the Covid-19 pandemic.

Despite notice of motion having been issued in this

application on August 25, 2020, with the respondent stated to have been served with the notice as per the report of the Registry, none appears for him today, possibly because it is past court time.

But be that as it may, with learned counsel for the applicant submitting that the applicant has a 5 month old baby, I would see no reason to not transfer proceedings in the petition filed under Section 13 of the Hindu Marriage Act, 1955, (by the respondent), from Ganaur (Sonapat) to Panipat, which for a man would not be of much of a distance to cover.

However, obviously since it cannot be done without hearing the respondent if he chooses to appear on the next date of hearing, adjourned to 16.11.2020.”

Keeping in view the aforesaid facts and in the interest of justice, the petition is allowed. It is ordered that the petition filed under Section 13 of the Hindu Marriage Act, 1955, titled as ‘Pankaj vs. Simra’ bearing DMC/176/2020 pending in the Court of District Judge, Family Court, Ganaur (Sonapat) shall stand transferred to the Court of competent jurisdiction at Panipat. The court at Ganaur is requested to remit the file of the case to the transferee court forthwith

16.11.2020
rekha

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned Yes / No

Whether Reportable Yes / No