IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

211 **TA No.84 of 2021**
Decided on: 06.04.2021

Sunita Rani

... Petitioner

Versus

Tarsem Singh

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Vikas Gupta, Advocate for the petitioner.

None for the respondent.

(The proceedings have been conducted through video conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition has been filed under Section 24 CPC for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 bearing HMA No.1115 of 2020 dated 08.09.2020 titled as 'Tarsem Singh Vs. Sunita Rani' pending before the Court of Principal Judge, Family Court, Amritsar to any competent Court at Tarn Taran, District Tarn Taran.

Notice of the petition was issued to the respondent, who has been duly served, as per report of the office. But none had put in appearance on his behalf on 08.03.2021, and position is the same today also.

The transfer is sought on the ground that the marriage took place on 19.06.2016 at P.R. Resorts, Amritsar Road, Bhikhiwind, District Tarn Taran. The petitioner-wife has alleged that the proceedings filed under Section 125 Cr.P.C., are already pending before the Family Court at Patti, District Tarn Taran and, therefore, the proceedings under Section 9 be also transferred to the same Court. The said prayer is made on the ground that

NAVEEN NAGPAL
2021.04.07 14:10
I attest to the accuracy and
integrity of this document

she being a lady has to go to attend the proceedings which is at a distance of approximately 60 Kms and, therefore, expenditure has to be incurred not only for her but also for her companion.

As noticed the application has not been opposed by the husband who has opted not to put in appearance.

Accordingly, keeping in view the fact that the proceedings under Section 125 Cr.P.C., are already pending before the Court at Patti, District Tarn Taran, this Court is of the opinion that it would be just and appropriate that the Family Court at Patti, also takes cognizance of the petition under Section 9 of the Hindu Marriage Act, 1955.

The Apex Court in **'Sumita Singh Vs. Kumar Sanjay & another' 2001 (10) SCC 41** held that the convenience of the wife must be looked at and, thus, the said principle would apply in the facts and circumstances of the present case.

Accordingly, the petition is allowed. The District & Sessions Judge, Amritsar shall forward case bearing HMA No.1115 of 2020 dated 08.09.2020 titled as 'Tarsem Singh Vs. Sunita Rani', to the District & Sessions Judge, Tarn Taran, who shall mark it to the Court of competent jurisdiction at Patti. Parties shall put in appearance before the Court at Patti on 19.04.2021, the date already fixed in the petition filed under Section 125 Cr.P.C.

(G.S. SANDHAWALIA)
JUDGE

April 06, 2021
Naveen

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

NAVEEN NAGPAL
2021.04.07 14:10
I attest to the accuracy and
integrity of this document