

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

TA-119-2020 (O&M)

Date of decision : 17.11.2021

Rachna

.....Petitioner(s)

Versus

Krishan

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ram Pal Verma, Advocate for the petitioner.

Mr. Rajesh Tushar, Advocate for

Mr. Vikram Rana, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the Divorce Petition i.e. *HMA No.780 of 2019* titled as “*Krishan Vs. Rachna*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Jhajjar to the Court of competent jurisdiction at Sonapat.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 20.11.2018 and out of the said wedlock a child, namely, Tanvi, was born on 01.08.2019. The petitioner is now residing at Sonapat along with her minor daughter who is two years' old and in order to contest the case at Jhajjar she would have to travel a distance

of approximately 70 kms one way on each and every date of hearing and it would not be possible for her to defend the case properly.

Learned counsel for the petitioner would further contend that there are already two cases being a petition under Section 125 CrPC for grant of maintenance and a complaint to the S.P. Sonapat regarding allegations of Section 498-A of the Indian Penal Code, 1860 pending in the Courts concerned at Sonapat.

Learned counsel for the respondent has vehemently opposed the transfer of the case. However, learned counsel for the respondent is not in a position to deny the fact that there are two cases already pending in the Courts concerned at Sonapat and the petitioner in order to contest the case at Jhajjar would have to travel a distance of approximately 70 kms one way on each date of hearing.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is residing at Sonapat along with her parents and she is looking after her two years' old child and the distance between the place of residence of the petitioner and the Court concerned at Jhajjar is approximately 140 Kms (to and fro). There are already two cases being a petition under Section 125 CrPC for grant of maintenance and a complaint to the S.P. Sonapat regarding allegations of Section 498-A IPC, pending in District Sonapat.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the Divorce Petition i.e. **HMA No.780 of 2019** titled as **“Krishan Vs. Rachna”** filed by the

respondent-husband under Section 13 of the HM Act pending in the Court of the Principal Judge, Family Court, Jhajjar to the Court of competent jurisdiction at Sonapat.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Sonapat and the parties shall appear there on 18.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

17.11.2021

Yogesh Sharma

**(ALKA SARIN)
JUDGE**

**NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO**