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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-:-

CM-14596-CII-2021 in/and

TA-421-2021 (O&M)

Date of Decision: 22.12.2021

Devanshi

....Petitioner

VERSUS

Pawan Kumar Singla

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sansar Kundu, Advocate for the petitioner.

Mr. Ajay Jain, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Taken up in physical mode.

CM-14596-CII-2021

This is an application for placing on record the reply on behalf of the respondent.

Application is allowed and the reply is taken on record.

CM stands disposed off.

TA-421-2021

The present petition under Section 24 of the Code of Civil Procedure, 1908 has been filed by the petitioner-wife seeking transfer of the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') for dissolution of marriage bearing No.DMC/340/2020 titled as "*Pawan Kumar Singla Vs. Devanshi*" pending in the Court of learned District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind.

Learned counsel for the petitioner would contend that the petitioner, in order to attend the proceedings at Hisar, would have to travel a

distance of 140 kms (up and down). It is further contended that there is a minor child who is being looked after by the petitioner and that she has no independent source of income. It is also the contention of the learned counsel for the petitioner that till date not a penny has been paid for the maintenance of the petitioner and the child and that a petition filed by the petitioner under Section 125 CrPC is pending at Mansa.

Learned counsel for the respondent has contended that the petition filed under Section 125 CrPC by the petitioner was in fact a counter-blast to the divorce petition filed by the respondent on 30.05.2020 and the petitioner cannot now take advantage of the pendency of the 125 CrPC petition. Learned counsel for the respondent has further contended that the petitioner has been attending to the proceedings earlier and that the respondent is willing to bear the travel expenses of the petitioner.

Heard.

In the present case the admitted position is that the petitioner is residing at Jind and would need to travel a distance of 140 kms (up and down) in order to attend the proceedings at Hisar. It is also not disputed by the learned counsel for the respondent that a minor child born out of the wedlock is residing with the petitioner. The learned counsel for the respondent has filed a reply but is not able to state as to whether the petitioner has any independent source of income or not. Since there is no specific denial to the averment that the petitioner has no independent source of income, the same is deemed to having been admitted.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under

Section 13 of the HM Act for dissolution of marriage bearing No.DMC/340/2020 titled as "*Pawan Kumar Singla Vs. Devanshi*" pending in the Court of learned District Judge, Family Court, Hisar to the Court of competent jurisdiction at Jind.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Jind and the parties shall appear there on **10.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

December 22, 2021
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(ALKA SARIN)
JUDGE

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