

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

**TA-506-2021 (O&M)
Date of decision :11.11.2021**

Kusum

.....Petitioner(s)

Versus

Yogesh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sonia G. Singh Samber, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the petitioner-wife seeking transfer of the petition i.e. **DMC/263/2021** titled as “**Yogesh Vs. Kusum**” filed by the respondent-husband for judicial separation under Section 10 of the Hindu Marriage Act, 1955 (for short the 'HM Act') pending in the Court of Additional Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at Karnal.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 21.11.2011 and out of the said wedlock one child was born on 14.11.2018. The petitioner is now residing with her parents at Karnal along with her minor child. The petitioner is working as a Staff Nurse on contract basis and she is not in a position to travel approximately a distance of 80 Kms (up and down) to Panipat along

with her minor child on each date of hearing in order to attend the Court proceedings.

As per the office report, the respondent-husband stands duly served. Case was called twice, however, none has put in appearance on his behalf despite service. He is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, the petitioner is working as a Staff Nurse on contract basis and is residing at Karnal along her minor child. The distance between the place of residence of the petitioner and the Court at Panipat is about 80 Kms (to and fro).

Keeping in view the totality of the circumstances as mentioned above, I deem this to be a fit case for transfer of the petition i.e. DMC/263/2021 titled as “Yogesh Vs. Kusum” filed by the respondent-husband for judicial separation under Section 10 of the HM Act pending in the Court of Additional Principal Judge, Family Court, Panipat to the Court of competent jurisdiction at Karnal.

The records of the case shall be sent by the concerned Court at Panipat to the Court of the learned District Judge, Karnal and the parties shall appear there on 06.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

11.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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