

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

106

TA No.303 of 2021(O&M)

Date of Decision: 02.11.2021

Monika Sharma

...Petitioner

VERSUS

Avi Sharma

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. D.K.Singal, Advocate for the petitioner.

Mr. Akash Vashisth, Advocate for the respondent.

ALKA SARIN, J. (Oral)

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 for dissolution of marriage by way of divorce being HMA No.1004 of 2019 titled as "*Avi Sharma Vs. Monika Sharma*" pending in the Court of Principal Judge, Family Court, Kurukshetra to the Court of competent jurisdiction at Faridabad.

Learned counsel for the petitioner would contend that the distance that the petitioner-wife has to travel from her place of residence to Kurukshetra is about 254 kms. He has further stated that proceedings in the complaint filed by the petitioner-wife under Sections 323/406/498-A/506 IPC are pending in the Women Cell, Faridabad where the respondent-husband is already appearing.

Learned counsel for the respondent-husband has contended that the petitioner-wife is earning more than the husband and hence it would be a financial burden on the respondent-husband to travel to Faridabad. It is further the contention of the learned counsel for the respondent-husband that there is a chance of an amicable settlement in this matter and hence the matter be referred to the Mediation Centre.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner-wife in the present case is residing at Faridabad and would have to travel 254 kms one way in order to attend the proceedings before the Family Court at Kurukshetra on every date of hearing and also the fact that the proceedings in the complaint filed by the petitioner-wife under Sections 323/406/498-A/506 IPC are pending in the Women Cell, Faridabad where the respondent-husband is already appearing, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13 of the HMA Act for dissolution of marriage by way of divorce being HMA No.1004 of 2019 titled as "*Avi Sharma Vs. Monika Sharma*" pending in the Court of Principal Judge, Family Court, Kurukshetra to the court of competent jurisdiction at the District Court, Faridabad.

Since the learned counsel for the respondent-husband has stated that there is a chance of an amicable settlement between the parties, the Court at Faridabad shall first send the parties for Mediation before proceeding with the matter.

The records of the case shall be sent by the concerned Court at Kurukshetra to the Court of the learned District Judge, Faridabad and the parties shall appear there on 11.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

November 02, 2021
tripti

(ALKA SARIN)
JUDGE

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