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

TA No.515 of 2021 (O&M)

DATE OF DECISION: 15.11.2021

Dr. Sakshi Gupta

.....Petitioner

versus

Varun Gupta

.....Respondents

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. H.S. Randhawa, Advocate for the petitioner

..

ALKA SARIN, J. (Oral):

Taken up through physical hearing.

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 short 'HM Act') being HMA/4/2021 titled as "*Varun Gupta vs. Sakshi Gupta*" for dissolution of marriage by way of decree of divorce pending before the Principal Judge, Family Court, Ludhiana to the Principal Judge, Family Court at Patiala.

Learned counsel for the petitioner has contended that marriage between the petitioner and the respondent was solemnized on 23.08.2017 as per Hindu rites and ceremonies and the couple was blessed with a girl child on 10.10.2018. It is further contended that due to the maltreatment and cruelty meted out to the petitioner, matrimonial disputes arose between the

parties. Various attempts to resolve the matrimonial disputes failed. The respondent-husband filed a divorce petition under Section 13 of the HM Act which is pending before the Principal Judge, Family Court, Ludhiana. The petitioner-wife has also filed a complaint under various provisions of the Protection of Women from Domestic Violence Act, 2005 (for short “DV Act”), which is pending in the Court of Chief Judicial Magistrate, Patiala and notice has also been issued therein to the respondent-husband. Apart from that, the petitioner-wife is also stated to have filed a complaint before the police authorities at Patiala for registration of a FIR against the respondent and his family members. It has also been pleaded in the petition that the distance from the residence of the petitioner to Ludhiana is about 200 kilometres up and down and the petitioner also has a minor child to look after and, hence, it would be very difficult for the petitioner to contest the case properly at Ludhiana.

Notice of motion in this case was issued on 30.06.2021. As per the service report the respondent-husband stands duly served. However, none has put in appearance on his behalf despite the matter being passed over twice. On the last date of hearing also none had put in appearance on behalf of the respondent. He is, therefore, proceeded against *ex parte*.

I have heard learned counsel for the petitioner.

In the present case, the petitioner is stated to have been subjected to cruelty and harassment for dowry and misappropriation of *Istri Dhan*. Now a petition under Section 13 of the HM Act has been filed by the respondent-husband for dissolution of the marriage by way of decree of

divorce at Ludhiana. The petitioner in order to contest this case would have to travel a distance of about 200 kms. (up and down) and she has also to take care of her minor child. It has also come on record that a complaint under the various provisions of the DV Act filed by the petitioner-wife is already pending in the Court of Chief Judicial Magistrate, Patiala wherein notice has been issued to the respondent-husband. That apart, a complaint has been lodged by the petitioner-wife before the police authorities at Patiala against the respondent-husband and his family members.

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 being HMA/4/2021 titled as “*Varun Gupta vs. Sakshi Gupta*” for dissolution of marriage by way of decree of divorce pending before the Principal Judge, Family Court, Ludhiana, to the Court of the Principal Judge, Family Court at Patiala. Ordered accordingly.

The records of the case shall be sent by the concerned Court at Ludhiana to the Court of the Principal Judge, Family Court at Patiala and the parties shall appear there on 17.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

15.11.2021
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NOTE:

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