

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

TA-547-2021 (O&M)

Date of decision : 17.11.2021

Poonam

.....Petitioner(s)

Versus

Rinku

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.C. Shahpuri, Advocate for the petitioner.

Mr. Rajbir Singh, 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 petition i.e. *HMA/116/2021* titled as “*Rinku Vs. Poonam*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional District and Sessions Judge, Sangrur to the Court of competent jurisdiction at Bathinda.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 22.02.2016 at Bathinda and out of the said wedlock a child, namely, Mahi, was born on 26.11.2017. The petitioner is now residing at Bathinda along with her minor daughter, who is 3 years' old, and she, in order to contest the case at Sangrur, would have to travel a distance of approximately 100 kms. one way and hence it would not be possible for her to defend herself properly.

Learned counsel for the petitioner would further contend that there are three cases i.e. (i) FIR No.61 dated 28.12.2017 under Sections 498-A/406 of the Indian Penal Code, 1860 registered at Police Station Women Bathinda; (ii) a petition under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005; and (iii) a petition under Section 125 CrPC, already pending in the Courts concerned at Bathinda.

Learned counsel for the respondent states that he has no objection if the present petition is allowed and the petition under Section 13 of the HM Act filed by the respondent-husband is transferred to the Court concerned at Bathinda.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is residing at Bathinda and she is looking after her 3 years' old child and in order to contest the case at Sangrur she would have to travel a distance of approximately 100 kms. (one way). There are already three cases i.e. (i) FIR No.61 dated 28.12.2017 under Sections 498-A/406 of the Indian Penal Code, 1860 registered at Police Station Women Bathinda; (ii) a petition under Sections 12 and 18 of the Protection of Women from Domestic Violence Act, 2005; and (iii) a petition under Section 125 CrPC, pending in the Courts concerned at Bathinda. Further the respondent has no objection in case the matter is transferred.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the petition filed by the respondent-husband i.e. *HMA/116/2021* titled as “*Rinku Vs. Poonam*”

under Section 13 of the HM Act pending in the Court of Additional District and Sessions Judge, Sangrur to the Court of competent jurisdiction at Bathinda. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Bathinda and the parties shall appear there on 02.02.2022 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**