

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

**TA-564-2021 (O&M)
Date of decision : 16.12.2021**

Veena Rani

.....Petitioner(s)

Versus

Deepak Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. DPS Bajwa, Advocate for the petitioner.

None 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 No.2005 of 2020 titled as “*Deepak Kumar Vs. Veena Rani*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Karnal to the Court of competent jurisdiction at Fatehabad.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 07.02.2012 and out of the said wedlock a child, namely Harman, was born on 03.04.2013. The petitioner is now residing at Fatehabad along with her old aged parents and is looking after her eight years old child. The petitioner is stated to be having no independent source of income. He would further contend that the petitioner

in order to defend the case at Karnal would have to travel a distance of approximately 160 kms (one way) along with her minor son and it is not feasible for her, financially or otherwise, to travel to Karnal on each and every date of hearing.

Learned counsel for the petitioner would further contend that two cases initiated by the petitioner being a petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for grant of maintenance and a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act'), are already pending in the Court concerned at Fatehabad.

As per the office report, service is complete. However, none had put in appearance on behalf of the respondent on the last date of hearing i.e. on 26.10.2021. Even today, none has put in appearance on his behalf. He is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, the petitioner is residing at Fatehabad along with her old aged parents and is looking after her eight years old child and has no independent source of income. She would have to travel a distance of approximately 320 kms (to and fro) in order to attend the proceedings at Karnal. Additionally, two cases initiated by the petitioner being a petition under Section 125 CrPC and a petition under Section 12 of the DV Act are already pending at Fatehabad.

In view of the above, I deem this to be a fit case for transfer of the petition i.e. HMA No.2005 of 2020 titled as ***“Deepak Kumar Vs. Veena***

Rani” filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Principal Judge, Family Court, Karnal to the Court of competent jurisdiction at Fatehabad. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Fatehabad and the parties shall appear there on 07.02.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

16.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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