

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-596-2021 (O&M)
Date of decision : 23.12.2021

Kretika Kumari

.....Petitioner(s)

Versus

Manoj Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Mukesh Yadav, Advocate for the petitioner.

Mr. Vikram Sheoran, 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 titled as *“Manoj Kumar Vs. Kretika Kumari”* filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at Mahendergarh at Narnaul.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 22.02.2016 and out of the said wedlock a child, namely, Suryansh, was born on 12.10.2018. The petitioner is now residing at Village Satnali, District Mahendergarh along with her parents and is looking after her three years old child. He would further contend that the petitioner in order to defend the case at Hisar would have to

travel a distance of approximately 110 kms (one way) along with her minor child. She is stated to be having no independent source of income and, hence, it is not feasible for her, financially or otherwise, to travel to Hisar on each date of hearing.

Learned counsel for the petitioner would further contend that a petition filed by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for grant of maintenance is already pending at Mahendergarh at Narnaul.

Learned counsel for the respondent has vehemently opposed the transfer of the petition and has contended that the petitioner is a teacher in a private school and is residing at Village Satnali which is at distance of 35 kms from Mahendergarh where she has sought transfer of the petition. However, learned counsel for the respondent is not in a position to deny the fact that the petitioner is looking after her minor child aged three years and no amount is being paid to the petitioner towards maintenance.

Heard learned counsel for the parties.

In the present case, the petitioner is residing at Village Satnali, District Mahendergarh along with her minor child and she is having no independent source of income. She would need to travel a distance of approximately 220 kms (to and fro) to attend the proceedings at Hisar. Further, it has also come on record that a petition initiated by the petitioner under Section 125 CrPC for grant of maintenance is already pending at Mahendergarh at Narnaul.

The contention of learned counsel for the respondent that the Court concerned at Mahendergarh, where the petitioner has sought transfer of the petition, is at a distance of 35 kms from Village Satnali would also not cut any ice as that is the Court closest to the Village Satnali where the petitioner is residing.

Argument raised by learned counsel for the respondent that the petitioner is a teacher in the private school is also totally unsubstantiated inasmuch as no document has been produced on record to show the same.

In view of the above, I deem this to be a fit case for transfer of the petition *“Manoj Kumar Vs. Kretika Kumari”* filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal District Judge, Family Court, Hisar to the Court of competent jurisdiction at Mahendergarh at Narnaul. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Mahendergarh at Narnaul 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.

23.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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