

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

**TA-631-2021 (O&M)
Date of decision : 18.11.2021**

Rajni

.....Petitioner(s)

Versus

Jitender Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Priyavrat Parashar, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 (in short 'CPC') read with Section 151 CPC seeking transfer of the petition i.e. ***HMA/1286/2020*** titled as “***Jitender Kumar Vs. Rajni***” filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional Principal Judge, Family Court, Karnal to the Court of competent jurisdiction at Kaithal.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 22.11.2009 at Kaithal and out of the said wedlock two children, namely, Ketan Kumar and Samarjeet Singh, were born, who are 9 years' and 5 years' old, respectively. The petitioner is now residing at Kaithal with her parents and looking after her minor

children. In order to defend the case at Karnal, the petitioner would have to travel a distance of approximately 70 kms one way and it would not be 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 a complaint moved by the petitioner-wife to the Superintendent of Police, Kaithal is also pending at Kaithal.

As per the office report, service is complete. On the last date of hearing i.e. 07.10.2021 no one had appeared on behalf of the respondent and even today none has put in appearance on his behalf despite the matter being called twice. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, the petitioner is residing at Kaithal along with her parents and she is looking after her two children who are 9 years' and 5 years' old and the distance between the place of residence of the petitioner and the Court concerned at Karnal is approximately 140 Kms (to and fro). Further, a complaint moved by the petitioner-wife to the Superintendent of Police, Kaithal is also pending at Kaithal.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the petition i.e. ***HMA/1286/2020*** titled as ***“Jitender Kumar Vs. Rajni”*** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Additional Principal Judge, Family Court, Karnal to the Court of competent jurisdiction at Kaithal. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Kaithal and the parties shall appear there on 06.04.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

18.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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