

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

-.-

TA No.637 of 2021(O&M)

Date of Decision: 14.12.2021

Sonali Singla

....Petitioner

VERSUS

Raman Gupta

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arav Gupta, Advocate for the petitioner.

Mr. Sukesh K. Jindal, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Taken up in physical mode.

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 bearing No.HMA-1884-2020 titled as "*Raman Gupta Vs. Sonali Singla*" pending in the Court of Principal Judge, Family Court, Kurukshetra to the Court of competent jurisdiction at Kaithal.

Learned counsel for the petitioner would contend that the petition under Section 12(1)(c) of the Hindu Marriage Act, 1955 (hereinafter referred to as 'the HM Act') for annulment of the marriage was filed on 30.09.2020 i.e. after the petitioner had filed two complaints dated 02.06.2020 and 28.07.2020 for providing security and for protection of her family respectively. The learned counsel would further contend that the petitioner has since then been posted from Kurukshetra to Kaithal on 26.10.2020. He further states that it is not a transferable job and that the petitioner would now be permanently residing in Kaithal. It is further the

contention of the learned counsel that the respondent is also not residing at Kurukshetra as is apparent from a perusal of the petition filed under Section 12 of HM Act (Annexure P-6). Lastly it is contended that the distance between Kurukshetra and Kaithal is 70 kms (one way), therefore, it is not feasible for the petitioner to attend the proceedings at Kurukshetra.

Learned counsel appearing on behalf of the respondent has vehemently opposed the transfer on the ground that the respondent had filed the petition at Kurukshetra though he himself is not residing at Kurukshetra only for the reason that the petitioner-wife was residing there. Learned counsel would further contend that a statement was made by learned counsel for the petitioner at the time of issuance of notice of motion before this Court that there is a chance of an amicable settlement in this matter. He states that the respondent is also open to exploring the option of an amicable settlement in the present case.

I have heard learned counsel for the parties.

In the present case the admitted facts are that the respondent is not residing at Kurukshetra and had filed the petition there only for the reason that petitioner-wife was residing at Kurukshetra. She has now admittedly been posted at Kaithal and as per the statement made by learned counsel for the petitioner she would now be posted permanently at Kaithal. The argument raised by learned counsel for respondent that the petition was filed specifically at Kurukshetra though the respondent-husband himself does not reside at Kurukshetra was for the reason that the petitioner-wife was residing at Kurukshetra in fact fortifies the case of the petitioner. The

respondent who admittedly does not reside at Kurukshetra would have to travel to attend the case whether at Kaithal or Kurukshetra.

In view of the above, I deem this to be a fit case for transfer of the petition filed by the respondent-husband bearing No.HMA-1884-2020, titled as "*Raman Gupta Vs. Sonali Singla*" pending in the Court of Principal Judge, Family Court, Kurukshetra to the Court of competent jurisdiction at Kaithal.

Since the learned counsel for the parties have stated that there is a chance of an amicable settlement between the parties, the Court at Kaithal shall first refer the parties for Mediation before proceeding further with the matter on merits.

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 10.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

December 14, 2021
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(ALKA SARIN)
JUDGE

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