

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

TA-644-2021 (O&M)

Date of decision : 10.11.2021

Sahil

.....Petitioner(s)

Versus

Arun

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Verma, Advocate for the petitioner.

Mr. Anshumaan Dalal, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the petitioner-wife seeking transfer of the petition titled as “*Arun V/s Sahil*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short the ‘HM Act’) pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Charkhi Dadri.

Learned counsel for the petitioner would contend that the petitioner is residing at Dadri, District Charkhi Dadri (Haryana) and has a 2 years and 9 months' old child and she is not in a position to travel approximately a distance of 60 Kms (one way) to Rohtak on each date of hearing to attend the Court proceedings along with her child.

Learned counsel for the petitioner would further contend that there are three more cases i.e. (i) FIR No.6 dated 13.02.2021 under Sections 498-A, 354-A, 506 and 34 of the Indian Penal Code, 1860; (ii) petition under

Section 125 CrPC; and (iii) petition under the Protection of Women from Domestic Violence Act, 2005; which are already pending in Charkhi Dadri and the respondent has been regularly putting in appearance before the Courts concerned at Charkhi Dadri.

Learned counsel for the respondent is not in a position to deny that there are three cases already pending at Charkhi Dadri and that the respondent has been regularly putting in appearance before the Courts concerned at Charkhi Dadri. The transfer of the case however, has been vehemently opposed.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is residing at Dadri, District Charkhi Dadri (Haryana) and she is looking after her 2 years and 9 months' old child and the distance between the place of residence of the petitioner and the Court at Rohtak is approximately 120 Kms (to and fro). There are already three cases i.e. (i) FIR No.6 dated 13.02.2021 under Sections 498-A, 354-A, 506 and 34 of the Indian Penal Code, 1860; (ii) petition under Section 125 CrPC; and (iii) petition under the Protection of Women from Domestic Violence Act, 2005; which are pending in Charkhi Dadri and the respondent has been regularly putting in appearance before the Courts concerned at Charkhi Dadri.

Keeping in view the totality of the circumstances as mentioned above, I deem this to be a fit case for transfer of the petition filed by the respondent-husband titled as “Arun V/s Sahil” under Section 13 of the HM

Act pending in the Court of Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Charkhi Dadri.

The records of the case shall be sent by the concerned Court at Rohtak to the Court of the learned District Judge, Charkhi Dadri and the parties shall appear there on **06.12.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

10.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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