

TA No.669 of 2021(O&M)

Date of Decision: 11.11.2021

Surinder Kaur

....Petitioner

VERSUS

Teja Singh @ Gurtej Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Fatehjeet Singh, Advocate, for
Mr. Karandeep Singh, Advocate, for the petitioner.

Mr. Manu Loona, Advocate, for the respondent.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

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 under Section 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing No.DMC/176/2021, titled as "*Teja Singh @ Gurtej Singh Vs. Surinder Kaur*" pending in the Court of Principal Judge, Family Court, Bathinda to the Court of competent jurisdiction at Abohar, District Fazilka.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Fazilka and that she has to travel a distance of about 80 kms in order to attend the proceedings before the Family Court at Bathinda.

Learned counsel for the respondent has contended that there is no other case pending at Fazilka. However, it has been admitted that the distance that wife would have to travel would be 140 kms (up and down) from her current place of residence to Bathinda. Learned counsel has

further contended that there is a chance of an amicable settlement in this matter and hence the matter may be referred to the Mediation Centre.

I have heard learned counsel for the parties.

In the present case admittedly the petitioner is residing at Fazilka and the distance she would have to travel is 140 kms both ways. It has been averred in the petition that the petitioner is living in her parental house and has no source of income. Learned counsel for the respondent is not in a position to deny the same.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13 of the HM Act bearing No.DMC/176/2021 titled as “*Teja Singh @ Gurtej Singh Vs. Surinder Kaur*” pending in the Court of Principal Judge, Family Court, Bathinda to the Court of competent jurisdiction at Abohar, District Fazilka.

Since the learned counsel for the respondent has stated that there is a chance of an amicable settlement between the parties, the Court at Abohar, District Fazilka shall first refer the matter to Mediation before proceeding with the matter on merits.

The records of the case shall be sent by the concerned Court at Bathinda to the Court of the learned District Judge, Fazilka and the parties shall appear there on **02.12.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 11, 2021
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(ALKA SARIN)
JUDGE

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