

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-680-2021 (O&M)

Date of decision : 21.12.2021

Surinder Kaur @ Moniya

.....Petitioner(s)

Versus

Mangat Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Manu Loona, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 seeking transfer of the petition being DMC/126/2021 titled as “*Mangat Singh Vs. Surinder Kaur @ Moniya*” 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 Judge, Family Court, Fazilka to the Court of competent jurisdiction at Ferozepur.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 03.02.2019 and out of the said wedlock a male child was born on 19.02.2020. The petitioner is now residing at Ferozepur along with her mother and is looking after her one year and nine months old child. The petitioner is stated to be having no

independent source of income. It is further contended that the petitioner in order to defend the case at Fazilka would have to travel a distance of approximately 80 kms (one way) along with her minor child and it is not feasible for her, financially or otherwise, to travel to Fazilka on each date of hearing.

Learned counsel for the petitioner has pointed out that a petition initiated by the petitioner under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) is already pending at Ferozepur.

As per the office report, service is complete. On the last date of hearing i.e. 25.11.2021, none had appeared on behalf of the respondent despite service. Today also no one has put in appearance on his behalf. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, the petitioner is now residing at Ferozepur along with her mother and is looking after her one year and nine months old child and is having no source of income. The petitioner would need to travel a distance of approximately 160 kms (to and fro) to attend the proceedings at Fazilka. Further, it has come on the record that a petition at the instance of the petitioner under Section 125 CrPC is already pending at Ferozepur.

In view of the above, I deem this to be a fit case for transfer of the petition being DMC/126/2021 titled as “***Mangat Singh Vs. Surinder Kaur @ Moniya***” filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Fazilka to the Court of competent jurisdiction at Ferozepur. Ordered accordingly.

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

21.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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