

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

-:-

TA No.733 of 2021(O&M)

Date of Decision: 12.11.2021

Anita

....Petitioner

VERSUS

Ritish Dhir

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. G.S.Madaan, Advocate for the petitioner.

Mr. Sanjeev K. Virk, Advocate for the respondent.

ALKA SARIN, J. (Oral)

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(i)(a) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing No.HMA/775/2019 titled as "*Ritish Dhir Vs. Anita*" pending in the Court of District & Sessions Judge, SAS Nagar, Mohali to the Court of competent jurisdiction at Jalandhar.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Jalandhar and that she has to travel a distance of about 144 kms in order to attend the proceedings before the District Court, SAS Nagar, Mohali. According to the counsel, the petitioner also has a small girl child to look after who is less than three years old. It is further the contention of learned counsel for the petitioner that the respondent-husband is already facing trial in FIR No.34 dated 17.06.2020 registered under Section 498-A IPC at Police Station Women, District Jalandhar.

Learned counsel for the respondent has vehemently opposed the prayer made by learned counsel for the petitioner. However, it has been admitted that the distance that wife would have to travel would be 144 kms one way from her current place of residence to SAS Nagar, Mohali.

I have heard learned counsel for the parties.

In the present case admittedly the petitioner is residing with her parents at Jalandhar and there is a minor girl child out of the wedlock who is residing with the petitioner and that the child is less than three years old. The distance the petitioner would have to travel to contest the case at SAS Nagar, Mohali is 144 kms one way. The respondent-husband is already facing trial in FIR No.34 dated 17.06.2020 registered under Section 498-A IPC at Police Station Women, District Jalandhar.

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(i)(a) of the HM Act bearing No.HMA/775/2019 titled as "*Ritish Dhir Vs. Anita*" pending in the Court of District & Sessions Judge, SAS Nagar, Mohali to the Court of competent jurisdiction at Jalandhar.

The records of the case shall be sent by the concerned Court at SAS Nagar, Mohali to the Court of the learned District Judge, Jalandhar and the parties shall appear there on **26.11.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 12, 2021
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(ALKA SARIN)
JUDGE

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