

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

TA-852-2021 (O&M)

Date of decision : 25.11.2021

Kajal @ Kajal Rani

.....Petitioner(s)

Versus

Parveen Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Arvind Bansal, Advocate for the petitioner.

Ms. Sharmila Sharma, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. ***DMC/821/2020*** titled as ***“Parveen Kumar Vs. Smt. Kajal”*** filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional Principal Judge, Family Court, Sonipat to the Court of competent jurisdiction at Karnal.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 03.03.2019 and out of the said wedlock a child namely, Nishtha, was born on 24.12.2019. The petitioner is now residing at Karnal along with her mother and is looking after her one year and eleven months old child. He would further contend that the petitioner in order to defend the case at Sonipat would have to travel a

distance of approximately 130 Kms along with her minor child and it is not feasible for her, financially or otherwise, to travel to Sonipat on each and every date of hearing. Learned counsel for the petitioner would further contend that one petition under Section 125 CrPC for grant of maintenance is already pending at Karnal.

Learned counsel for the respondent has vehemently opposed the transfer of the divorce petition. However, learned counsel for the respondent is not in a position to deny that the petition under Section 125 CrPC is already pending at Karnal and that the distance the petitioner-wife would have to travel in order to defend the case at Sonipat is about 130 kms one way. She would contend that there is a chance of an amicable settlement between the parties and hence prays that the matter may be referred to the Medication and Conciliation Centre.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is now residing at Karnal along with her mother and she is looking after her one year and eleven months old child and the distance between the place of residence of the petitioner and the Court at Sonipat is approximately 260 kms (to and fro). Further, one petition under Section 125 CrPC is already pending at Karnal.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the petition i.e. ***DMC/821/2020*** titled as ***“Parveen Kumar Vs. Smt. Kajal”*** filed by the respondent-husband under Section 13 of the HM Act pending in the Court of

Additional Principal Judge, Family Court, Sonapat to the Court of competent jurisdiction at Karnal. Ordered accordingly.

Since the learned counsel for the respondent has stated that there is a chance of an amicable settlement between the parties, the concerned Court at Karnal 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 to the Court of the learned District Judge, Karnal and the parties shall appear there on 31.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

(ALKA SARIN)
JUDGE

25.11.2021
Yogesh Sharma

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