

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

-.-

**TA No.860 of 2021(O&M)
Date of Decision: 09.11.2021**

Rensu

....Petitioner

VERSUS

Rupesh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Karan Singh, Advocate for the petitioner.

Mr. Amit Arora, 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 i.e. DMC/154/2021 filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') titled as "*Rupesh Vs. Rensu*" pending in the Court of Principal Judge, Family Court, Charkhi Dadri to the Court of competent jurisdiction at Jhajjar.

Learned counsel for the petitioner would contend that though the distance is 70 kms to-and-fro, however, the petitioner apprehends danger to her life. The petitioner has got registered FIR No.0155 dated 30.07.2021 under Sections 323/34/354-A, 406, 498-A, 506, 509 of the Indian Penal Code, 1860 (hereinafter referred to as 'IPC'), which is pending at Jhajjar. Learned counsel has further referred to two more case i.e. a petition under Section 125 CrPC and second a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 which are also pending at the District Court, Jhajjar.

Learned counsel for the respondent contends that the distance is hardly 35 kms one way and hence it is not a fit case for transfer.

I have heard learned counsel for the parties.

In the present case the petitioner has got registered a FIR No.0155 dated 30.07.2021, under Sections 323/34/354-A,406,498-A, 506, 509 IPC at the Women Police Station, Jhajjar. Photographs have also been appended by the petitioner to show as to how her hair were pulled out from her scalp allegedly by the respondent. There are two more cases i.e. one, a petition under Section 125 CrPC and second a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 already pending at Jhajjar.

In view of the above, I deem it appropriate to allow the present petition and transfer the petition i.e. DMC/154/2021 filed by the respondent-husband under Section 9 of the HM Act titled as "*Rupesh Vs. Rensu*" pending in the Court of Principal Judge, Family Court, Charkhi Dadri to the Court of competent jurisdiction at Jhajjar.

The records of the case shall be sent by the concerned Court at Charkhi Dadri to the Court of the learned District Judge, Jhajjar 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.

November 09, 2021
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(ALKA SARIN)
JUDGE

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