

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

TA No.848 of 2021(O&M)
Date of Decision: 11.11.2021

Vartika Rana

....Petitioner

VERSUS

Sourav Syal

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

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

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 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as, the 'HM Act' for restitution of conjugal rights titled as "*Sourav Syal Vs. Vartika Rana*" pending in the Court of Additional Principal Judge, Family Court, Jagraon, District Ludhiana to the Court of competent jurisdiction at Panchkula.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Tehsil Kalka, District Panchkula and the distance that she has to travel from her place of residence to Jagraon, District Ludhiana is about 174 Kms. He has further stated that a petition filed by the petitioner under Section 125 CrPC is already pending at Panchkula and the respondent-husband has been regularly putting in appearance in the said case.

As per the office report, the respondent has been served. However, no one has put in appearance on his behalf despite service. The respondent is, hence, proceeded against ex-parte.

I have heard learned counsel for the petitioner.

In view of the above and keeping in mind the fact that the petitioner-wife in the present case is residing at Tehsil Kalka, District Panchkula and would have to travel 174 Kms one way in order to attend the proceedings before the Family Court at Jagraon, District Ludhiana on every date of hearing and also the fact that a petition under Section 125 CrPC filed by the petitioner is already pending at Panchkula, where the respondent-husband is already appearing, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 9 of the HM Act for restitution of conjugal rights titled as "*Sourav Syal Vs. Vartika Rana*" pending in the Court of Additional Principal Judge, Family Court, Jagraon, District Ludhiana to the Court of competent jurisdiction at Panchkula.

The records of the case shall be sent by the concerned Court at Jagraon, District Ludhiana to the Court of the learned District Judge, Panchkula and the parties shall appear there on **02.12.2022** 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