

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

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**TA No.896 of 2021(O&M)
Date of Decision: 15.11.2021**

Amarjit Kaur

....Petitioner

VERSUS

Hardev Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gopal Sharma, Advocate for the petitioner.

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 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing No.HMA/79/2020 titled as "*Hardev Singh Vs. Amarjit Kaur*" pending in the Court of Principal Judge, Family Court, Samrala, District Ludhiana to the Court of competent jurisdiction at Fatehgarh Sahib.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Fatehgarh Sahib and that she has to travel a distance of about 55 kms in order to attend the proceedings before the District Court, Samrala. Since she has two minor children, it would be difficult for her to defend the case properly at Samrala. It has further been contended that earlier this Court in TA No.672 of 2021, vide order dated 03.09.2021, had transferred the case filed by the respondent-husband under Sections 7, 8 and 25 of the Guardian and Ward Act, 1890 read with Section

6 Hindu Minorities and Guardianship Act, 1956 from Samrala to Fatehgarh Sahib. It is further the contention of learned counsel for the petitioner that there are two more cases i.e. one under Section 125 CrPC and second a criminal complaint under Sections 406/498-A/323/34 IPC, already pending at District Courts at Fatehgarh Sahib.

As per the office report, the respondent has been served. However, no one has put in appearance on his behalf despite service. Even on 29.10.2021 none had put in appearance on behalf of the respondent. In TA-672-2021 also the respondent did not put in appearance. The respondent is, hence, proceeded against ex-parte.

I have heard learned counsel for the petitioner.

In view of the above and keeping in view the fact that the earlier case filed by the husband-respondent under Sections 7, 8 and 25 of the Guardian and Ward Act, 1890 read with Section 6 Hindu Minorities and Guardianship Act, 1956 has already been transferred by this Court from Samrala to Fatehgarh Sahib vide order dated 03.09.2021 passed in TA No.672 of 2021 and also the fact that two cases i.e one under Section 125 CrPC and another a criminal complaint under Section 406/498-A/323/34 IPC are already pending at Fatehgarh Sahib, 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 bearing No.HMA/79/2020 titled as "*Hardev Singh Vs. Amarjit Kaur*" pending in the Court of Principal Judge, Family Court, Samrala, District Ludhiana to the Court of competent jurisdiction at Fatehgarh Sahib.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Fatehgarh Sahib and the parties shall appear there on **07.12.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 15, 2021

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**(ALKA SARIN)
JUDGE**

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