

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

-.-

TA No.889 of 2021(O&M)

Date of Decision: 16.11.2021

Anju Gautam

....Petitioner

VERSUS

Mahesh Kumar @ Mahesh Gautam

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.K.Rana, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

The present petition under Sections 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 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing case No.HMA/94/2020 titled as "*Mahesh Kumar Vs. Anju Gautam*" pending in the Court of Principal Judge, Family Court, Rupnagar to the Court of competent jurisdiction at Ambala.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Ambala and that she has to travel a distance of about 90 kms in order to attend the proceedings before the Family Court, Rupnagar and it would be difficult for her to contest the case properly at Rupnagar. It is further the contention of learned counsel for the petitioner that two more cases i.e. a petition under Section 125 CrPC and proceedings under Section 9 of the HM Act are already pending at the District Courts at Ambala.

As per the office report, the respondent has been served. However, no one has put in appearance on his behalf despite the matter being called twice. 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 petitioner-wife in the present case is residing at Ambala and would have to travel 90 kms one way in order to attend the proceedings before the Family Court at Rupnagar on every date of hearing and also the fact that two more cases i.e. execution application qua orders passed under Section 125 CrPC and proceedings under Section 9 of the HM Act initiated by the petitioner and also a Section 25 petition read with Section 10 of the Guardian and Wards Act, 1890 initiated by the respondent are already pending at the District Courts at Ambala, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13 of the HM Act bearing case No.HMA/94/2020 titled as “*Mahesh Kumar Vs. Anju Gautam*” pending in the Court of Principal Judge, Family Court, Rupnagar to the Court of competent jurisdiction at Ambala.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Ambala, and the parties shall appear there on **02.12.2021** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 16, 2021
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(ALKA SARIN)
JUDGE

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