

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

TA-885-2021 (O&M)

Date of decision : 25.11.2021

Ginni Rani

.....Petitioner(s)

Versus

Virender Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Dr. Rau P.S. Girwar, Advocate for the petitioner.

Mr. Sumeet Singh Brar, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

On 21.09.2021 the following order was passed:

“This petition has been filed by the wife seeking the transfer of the case bearing No.HMA/414/2020, titled as “Virender Kumar vs. Ginni Rani”, pending in the Court of Principal Judge, Family Court, Sirsa, to the Court of competent jurisdiction at Bathinda.

The petitioner claims that she got married to the respondent on 14.12.2015 and they have been blessed with a female child. She claims that presently, she is residing with her parents at Bathinda and the distance between Sirsa and Bathinda is more than 100 Kms. The petitioner further claims that she cannot properly defend the petition at Sirsa.

The learned counsel representing the petitioner places reliance on the pendency of the petition filed under Section 125 Cr.P.C., at Bathinda. The learned counsel contends that it will be very difficult for the petitioner to travel on each date of hearing.

Notice of motion for 29.10.2021.

The liberty is granted to the petitioner to serve the respondent through his counsel at District Courts, Sirsa.

Dasti also.”

Mr. Sumeet Singh Brar, learned counsel appearing on behalf of the respondent states that the petition filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') is pending at Sirsa (Camp at Dabwali), which is at a distance of about 30 kms (one way) from the place of residence of the petitioner and, as such, the petitioner has not approached this Court with clean hands. It has further been contended by learned counsel for the respondent that there is a chance of settlement between the parties and prays that the matter may be referred to Medication and Conciliation Centre.

Heard learned counsel for the parties.

In the present case, the undisputed facts are that the petitioner is residing at Bathinda and is looking after her three years old daughter. The petitioner has also filed a case for grant of maintenance under Section 125 CrPC which is pending before the Family Court at Bathinda.

The argument raised by learned counsel for the respondent that the petitioner has not approached this Court with clean hands since in this petition the distance has wrongly been mentioned as 100 kms would not affect the outcome of this case as nothing much would turn on the same. It is an admitted fact that a petition under Section 125 CrPC for grant of maintenance at the instance of the petitioner-wife is already pending at Bathinda as also the fact that the petitioner has a minor daughter and no

source of income and there is no one at home to accompany her to attend the proceedings. As such, I deem this to be a fit case for transfer of the petition i.e. *HMA/414/2020* titled as “*Virender Kumar vs. Ginni Rani*” filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Principal Judge, Family Court, Sirsa (Camp at Dabwali) to the Court of competent jurisdiction at Bathinda. 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 Bathinda 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, Bathinda and the parties shall appear there on 27.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

25.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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