

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

TA-857-2021 (O&M)
Date of decision : 07.12.2021

Kajal Soni @ Kajal

.....Petitioner(s)

Versus

Sandeep Kumar @ Bittu

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. HMA/513/2019 titled as “*Sandeep Kumar Vs. Kajal Soni*” filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Jind to the Court of competent jurisdiction at Panipat.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 16.11.2017 and the petitioner is now residing at Panipat along with her parents. The petitioner is stated to be having no independent source of income. He would further contend that the petitioner in order to defend the case at Jind would have to travel a distance of approximately 75 kms (one way) and it is not feasible for her, financially

or otherwise, to travel to Jind on each date of hearing. Learned counsel for the petitioner would further contend that two cases initiated by the petitioner being a petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for grant of maintenance and a FIR No.19 dated 20.01.2020 registered under Section 323/377/406/498-A/506/34 of the Indian Penal Code, 1860 (IPC) at Police Station Israna, District Panipat, are already pending at Panipat.

As per the office report, service is complete. On the last date of hearing i.e. 26.11.2021 none had appeared on behalf of the respondent despite service. Today also no one has put in appearance on his behalf despite the matter being called twice. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In view of the above and keeping in mind the facts that the petitioner is now residing at Panipat along with her parents and has no source of income and would have to travel a distance of approximately 150 kms (to and fro) to attend the proceedings at Jind as also the fact that two cases initiated by the petitioner being a petition under Section 125 CrPC for grant of maintenance and a FIR No.19 dated 20.01.2020 registered under Section 323/377/406/498-A/506/34 IPC at Police Station Israna, District Panipat, are already pending in the Court concerned at Panipat, I deem this to be a fit case for transfer of the petition i.e. HMA/513/2019 titled as **“Sandeep Kumar Vs. Kajal Soni”** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family

Court, Jind to the Court of competent jurisdiction at Panipat. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Panipat and the parties shall appear there on 20.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

07.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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