

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

TA-888-2021 (O&M)

Date of decision : 21.12.2021

Veenu

.....Petitioner(s)

Versus

Rakesh Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. R.S. Dadwal, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the petition being HMA/271/2021 titled as “*Rakesh Kumar Vs. Veenu*” 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, Moga to the Court of competent jurisdiction at Ludhiana.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 27.11.2016 and out of the said wedlock a male child, namely, Khushank was born on 07.01.2019. The petitioner is now residing at Ludhiana along with her parents and is looking after her two years and ten months old child. The petitioner is stated to be having no independent source of income. It is further contended that the

petitioner, in order to defend the case at Moga, would have to travel a distance of approximately 35 kms (one way) along with her minor child and it is not feasible for her, financially or otherwise, to travel to Moga on each date of hearing.

Learned counsel for the petitioner has further stated that two cases initiated by the petitioner being a petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) and a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act') are already pending at Ludhiana.

As per the office report, service is complete. On the last date of hearing i.e. 01.12.2021, none had appeared on behalf of the respondent despite service. Today also no one has put in appearance on his behalf. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case, the petitioner is now residing at Ludhiana along with her parents and is looking after her two years and ten months old child and is having no source of income. The petitioner would need to travel a distance of approximately 70 kms (to and fro) to attend the proceedings at Moga. It has also come on the record that two cases initiated by the petitioner being a petition under Section 125 CrPC and a petition under Section 12 of the DV Act are already pending at Ludhiana.

In view of the above, I deem this to be a fit case for transfer of the petition being HMA/271/2021 titled as “***Rakesh Kumar Vs. Veenu***” filed by the respondent-husband under Section 9 of the HM Act pending in

the Court of Principal Judge, Family Court, Moga to the Court of competent jurisdiction at Ludhiana. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Ludhiana and the parties shall appear there on 10.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

21.12.2021
Yogesh Sharma

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