

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205

TA No. 919 of 2021

Date of Decision: 03.11.2021

Rupinder Kaur @ Roopa Rani

....Petitioner

VERSUS

Nachattar Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. B.K. Mehta, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Heard through video conferencing.

The present petition 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 being HMA No.632 of 2020 titled as "*Nachattar Singh vs. Rupinder Kaur*" pending in the Court of Principal Judge, Family Court, Moga to the Court of competent jurisdiction at Ludhiana.

In this case notice of motion was issued on 28.09.2021. However, none has put in appearance on behalf of the respondent despite service. The respondent is, as such, proceeded against *ex parte*.

Learned counsel for the petitioner would contend that the petitioner is residing with her parents at Ludhiana and the distance between Moga and Ludhiana is more than 65 kms. one way. The petitioner claims that it would not be feasible for her to defend the petition properly at Moga. It is further the case set up by the petitioner that there are two cases filed by the petitioner - one under Section 12 of the Protection of Women from

Domestic Violence Act, 2005 (for short 'DV Act'); and second, a complaint bearing No. UID1846045 dated 30.06.2020, which are pending in District Courts at Ludhiana.

Heard.

In view of the fact that the petitioner is residing with her parents at Ludhiana and would have to travel more than 130 kms. back and forth to defend the case at Moga as also the fact that two cases i.e. under Section 12 of the DV Act and a complaint bearing No. UID1846045 dated 30.06.2020 are pending in District Courts at Ludhiana are already pending at in Courts at Ludhiana, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under 13 of the Hindu Marriage Act, 1955 being HMA No.632 of 2020 titled as "*Nachattar Singh vs. Rupinder Kaur*" pending in the Court of Principal Judge, Family Court, Moga to the Court of competent jurisdiction at Ludhiana.

The records of the case shall be sent by the concerned Court at Moga to the Court of learned District Judge, Ludhiana and the parties shall appear there on 06.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

**3rd November, 2021
jk**

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