

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

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**TA No.924 of 2021(O&M)
Date of Decision: 09.11.2021**

Sukhpal Kaur

...Petitioner

VERSUS

Vikas Saini

...Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjeev Goyal, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (Oral)

The present petition under Section 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 9 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') being DMC/44/2021 titled as "*Dr. Vikas Saini Vs. Dr. Sukhpal Kaur*" pending in the Court of Additional Principal Judge, Family Court, Sonapat, Campus at Kharkhoda to the Court of competent jurisdiction at Sangrur.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Sangrur and that she has to travel a distance of about 210 kms in order to attend the proceedings before the Family Court at Sonapat. It is further the contention of learned counsel for the petitioner that a petition under Section 125 CrPC filed by the petitioner is pending in the Family Court at Sangrur and the respondent has been regularly putting in appearance in the said case.

As per the office report, the respondent has been served. However, no one has put in appearance on his behalf despite service. The respondent is, hence, proceeded against ex-parte.

I have heard learned counsel for the petitioner.

In view of the above and keeping in mind the fact that the petitioner-wife has to travel a distance of approximately 210 kms to the Family Court, Sonapat, Camp at Kharkhoda in order to attend the proceedings under the HM Act and also the fact that a petition under Section 125 CrPC is also pending at Sangrur in which the respondent is regularly putting in appearance, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 9 of the HM Act being DMC/44/2021 titled as "*Dr. Vikas Saini Vs. Dr. Sukhpal Kaur*" pending in the Court of Additional Principal Judge, Family Court, Sonapat, Camp at Kharkhoda to the Court of competent jurisdiction at Sangrur, Punjab.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Sangrur and the parties shall appear there on 07.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

November 09, 2021
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(ALKA SARIN)
JUDGE

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