

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

TA-932-2021 (O&M)

Date of decision : 10.11.2021

Supriya

.....Petitioner(s)

Versus

Arun Dutt

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Shifali Goyal, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 by the petitioner-wife seeking transfer of the petition i.e. HMA/201/2021 titled as “Arun Dutt Vs. Supriya” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (for short the ‘HM Act’) pending in the Court of Principal Judge, Family Court, Kapurthala, Camp at Phagwara to the Court of competent jurisdiction at Rupnagar.

Learned counsel for the petitioner would contend that the petitioner is residing at Rupnagar with her parents and has a two years and ten months' old child and she is not in a position to travel approximately a distance of 121 Kms (one way) to Phagwara on each date of hearing to attend the Court proceedings along with her child.

Learned counsel for the petitioner would further contend that a petition under Section 125 CrPC is already pending in the Court at Rupnagar and the respondent has been regularly putting in appearance before the Court concerned at Rupnagar in the said case.

As per the office report, the respondent-husband stands duly served. However, none has put in appearance on his behalf despite the case being passed over twice. He is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In the present case the petitioner is residing at Rupnagar with her parents and she is looking after her two years and ten months' old child and the distance between the place of residence of the petitioner and the Court at Phagwara is approximately 121 Kms (one way). There is one case i.e. a petition under Section 125 CrPC which is already pending in the Court at Rupnagar and the respondent has been regularly putting in appearance before the Court concerned at Rupnagar in the said case.

Keeping in view the totality of the circumstances as mentioned above, I deem this to be a fit case for transfer of the petition filed by the respondent-husband i.e. HMA/201/2021 titled as "Arun Dutt Vs. Supriya" filed by the respondent-husband under Section 13 of the HM Act, pending in the Court of Principal Judge, Family Court, Kapurthala, Camp at Phagwara to the Court of competent jurisdiction at Rupnagar.

The records of the case shall be sent by the concerned Family Court, Kapurthala, Camp at Phagwara to the Court of the learned District Judge, Rupnagar and the parties shall appear there on 02.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

(ALKA SARIN)
JUDGE

10.11.2021
Yogesh Sharma

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