

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

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**TA No.927 of 2021(O&M)
Date of Decision: 09.11.2021**

Pooja Saini

....Petitioner

VERSUS

Kapil Saini

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sitanshu Sharma, Advocate for the petitioner.

Mr. Rohit Choudhary, Advocate 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 13 of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') being HMA/414/2021 titled as "*Kapil Saini Vs. Pooja Saini*" pending in the Court of Principal Judge, Family Court, Fatehabad, Camp at Tohana to the Court of competent jurisdiction at Jind.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Jind and that she has to travel a distance of about 70 kms in order to attend the proceedings before the Family Court at Fatehabad. 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 Jind and the respondent has been regularly putting in appearance in the said case.

Learned counsel for the respondent has contended that there is a chance of an amicable settlement in this matter and hence the matter be referred to the Mediation Centre.

I have heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner-wife has to travel a distance of approximately 70 kms to the Family Court at Fatehabad 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 Jind, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13 of the HM Act being HMA/414/2021 titled as "*Kapil Saini Vs. Pooja Saini*" pending in the Court of Principal Judge, Family Court, Fatehabad, Camp at Tohana to the Court of competent jurisdiction at Jind.

Since the learned counsel for the respondent has stated that there is a chance of an amicable settlement between the parties, the concerned Court at Jind shall first refer the matter to Mediation before proceeding with the matter on merits.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Jind and the parties shall appear there on 19.01.2022 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