

102+204

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

-:-

CM-13837-CII-2021 in/and

TA-947-2021 (O&M)

Date of Decision: 22.12.2021

Sapna

....Petitioner

VERSUS

Vijay Singh

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Ms. Veena Hooda, Advocate for the petitioner.

Mr. K.S. Malik, Advocate for the respondent.

ALKA SARIN, J. (Oral)

Taken up in physical mode.

CM-13837-CII-2021

This is an application for placing on record the reply on behalf of the respondent.

Application is allowed and the reply is taken on record.

CM stands disposed off.

TA-947-2021

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(1)(ia)(ib) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') for dissolution of marriage bearing No.DMC/584/2021 titled as "*Vijay Singh Vs. Sapna*" pending in the Court of learned Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Hisar.

Learned counsel for the petitioner would contend that in order to attend the proceedings at Rohtak the petitioner would need to travel a

distance of 110 kms (up and down). It is further contended that the petitioner has already initiated proceedings under Section 125 CrPC which are pending in the Family Court at Hisar.

Reply has been filed on behalf of the respondent. Learned counsel for the respondent has vehemently opposed the transfer on the ground that the petitioner's brother is a practicing advocate at Hisar and there is every likelihood of him influencing the witnesses. It has further been contended that the petitioner is a working lady and can well afford to travel to Rohtak.

Heard.

In the present case the admitted fact is that the petitioner is residing at Hisar which is at a distance of 110 kms (up and down) from Rohtak. It has also not been disputed that a petition under Section 125 CrPC is already pending in the Family Court at Hisar. The argument raised by the learned counsel for the respondent that the brother of the petitioner is practicing at Hisar and hence there is likelihood of him influencing the witnesses would not cut any ice inasmuch as it is an admitted fact that the petitioner himself is a practicing advocate at Rohtak and the same argument would also work the other way round.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13(1)(ia)(ib) of the HM Act for dissolution of marriage bearing No.DMC/584/2021 titled as "*Vijay Singh Vs. Sapna*" pending in the Court of learned Principal Judge, Family Court, Rohtak to the Court of competent jurisdiction at Hisar.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Hisar and the parties shall appear there on **10.03.2022** (date fixed in DMC-584/2021) at 10.00 a.m.

The present petition is disposed off in the above terms.

December 22, 2021
tripti

(ALKA SARIN)
JUDGE

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