

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

TA-974-2021 (O&M)

Date of decision : 17.11.2021

Mamta

.....Petitioner(s)

Versus

Sumit

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Parminder Singh, Advocate for the petitioner.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. *HMA/468/2021* titled as “*Sumit Vs. Mamta*” filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Kaithal to the Court of competent jurisdiction at Karnal.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 14.02.2020 and out of the said wedlock a child, namely, Janes, was born on 22.04.2021. The petitioner is now residing at Karnal along with her parents and looking after her minor daughter who is 7 months' old. In order to defend the case at Kaithal, the petitioner would have to travel a distance of approximately 60 kms one way.

She has no independent source of income and it would not be feasible for

her, financially or otherwise, to travel to Kaithal on each and every date of hearing.

Learned counsel for the petitioner would further contend that there are already three cases being a petition under Section 125 CrPC for grant of maintenance, a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and a FIR No.715 dated 03.09.2021 registered under Section 323/406/498-A/506 IPC at Police Station Karnal City, pending in District Karnal.

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

Heard learned counsel for the petitioner.

In the present case, the petitioner is residing at Karnal along with her parents and she is looking after her 7 months' old child and the distance between the place of residence of the petitioner and the Court concerned at Kaithal is approximately 120 Kms (to and fro). There are already three cases being a petition under Section 125 CrPC for grant of maintenance, a petition under Section 12 of Protection of Women from Domestic Violence Act, 2005 and a FIR No.715 dated 03.09.2021 registered under Section 323/406/498-A/506 IPC at Police Station Karnal City, pending in District Karnal.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the petition i.e.

HMA/468/2021 titled as “***Sumit Vs. Mamta***” filed by the respondent-

husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Kaithal to the Court of competent jurisdiction at Karnal. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Karnal and the parties shall appear there on 01.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

17.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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