

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

-.-

TA No.938 of 2021(O&M)

Date of Decision: 14.12.2021

Latika Sehgal

....Petitioner

VERSUS

Dinkar Sehgal

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanjay Nagpal, Advocate for the petitioner.

Mr. Harkawal Preet Singh, Advocate, for the respondent.

ALKA SARIN, J. (Oral)

Taken up in physical mode.

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)(i)(a) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing No.HMA/737/2020 titled as "*Dinkar Sehgal Vs. Latika Sehgal*" pending in the Court of Additional District Judge, Family Court, Chandigarh to the Court of competent jurisdiction at Patiala.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Patiala and that she has to travel a distance of more than 75 kms in order to attend the proceedings before the Family Court, Chandigarh and it would be difficult for her to contest the case properly at Chandigarh. It is further the contention of learned counsel for the petitioner that three cases i.e. - i) a petition under Section 125 CrPC; ii) proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and iii) proceedings in a private complaint bearing

No.COMA/3907/2016 dated 05.11.2016 under Sections 406/498-A IPC - are already pending at District Courts at Patiala.

Learned counsel appearing for the respondent has vehemently opposed the transfer application. He is, however, not in a position to deny the fact that three cases initiated by the petitioner are already pending at Patiala.

I have heard learned counsel for the parties.

In view of the above and keeping in view the fact that the petitioner-wife in the present case is residing at Patiala and would have to travel more than 75 kms one way in order to attend the proceedings before the Family Court at Chandigarh on every date of hearing as also the fact that three cases i.e. -i) a petition under Section 125 CrPC; ii) proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and iii) proceedings in a private complaint bearing No. COMA/3907/2016 dated 05.11.2016 under Sections 406/498-A IPC - are already pending at District Courts at Patiala, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13(1)(i)(a) of the HM Act bearing No.HMA/737/2020 titled as "*Dinkar Sehgal Vs. Latika Sehgal*" pending in the Court of Additional District Judge, Family Court, Chandigarh to the Court of competent jurisdiction at Patiala.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Patiala and the parties shall appear there on **11.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

December 14, 2021
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(ALKA SARIN)
JUDGE

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