

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

-.-

TA No.965 of 2021(O&M)

Date of Decision: 16.11.2021

Rajbala

....Petitioner

VERSUS

Chaman

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Tushar Gautam, Advocate for the petitioner.

ALKA SARIN, J. (Oral)

Taken up through video conferencing.

The present petition under Sections 13 and 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') bearing No.HMA/762/2021 titled as "*Chaman Vs. Rajbala*" pending in the Court of Additional Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Palwal, Haryana.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at Palwal and that she has to travel a distance of about 80 kms in order to attend the proceedings before the Family Court, Gurugram and it would be difficult for her to contest the case properly at Gurugram. It is further the contention of learned counsel for the petitioner that two more cases i.e. a petition under Section 125 CrPC and proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are already pending at District Courts at Palwal.

As per the office report, the respondent has been served. However, no one has put in appearance on his behalf despite the matter being called twice. The respondent is, hence, proceeded against ex-parte.

I have heard learned counsel for the petitioner.

In view of the above and keeping in view the fact that the petitioner-wife in the present case is residing at Palwal and would have to travel 80 kms one way in order to attend the proceedings before the Family Court at Gurugram on every date of hearing as also the fact that a petition under Section 125 CrPC and proceedings under Section 12 of the Protection of Women from Domestic Violence Act, 2005 are already pending at Palwal, 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 bearing No.HMA/762/2021 titled as "*Chaman Vs. Rajbala*" pending in the Court of Additional Principal Judge, Family Court, Gurugram to the Court of competent jurisdiction at Palwal, Haryana.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Palwal and the parties shall appear there on **25.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

November 16, 2021
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(ALKA SARIN)
JUDGE

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