

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

**TA-980-2021 (O&M)
Date of decision : 18.11.2021**

Monika Rani

.....Petitioner(s)

Versus

Mukesh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.K. Uppal, Advocate for the petitioner.

Ms. Swati Verma, Advocate for the respondent.

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/431/2021* titled as “*Mukesh Vs. Monika Rani*” 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, Ludhiana to the Court of competent jurisdiction at Shaheed Bhagat Singh Nagar (Nawanshahr).

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 19.04.2015 at Shaheed Bhagat Singh Nagar (Nawanshahr) and out of the said wedlock a child, namely, Abhishek Kumar, was born on 15.02.2018 who is presently in the care and custody of the petitioner. The petitioner is now residing at Shaheed Bhagat Singh Nagar (Nawanshahr) with her parents and in order to contest the case at Ludhiana she would have to travel a distance of approximately 55 kms. one way along with her minor son and it would not be feasible for her, financially or otherwise, to travel to Ludhiana on each and every date of hearing.

Learned counsel for the petitioner would further contend that a petition under Section 125 CrPC for grant of maintenance is already pending at Shaheed Bhagat Singh Nagar (Nawanshahr) and the respondent has already put in appearance in the said case.

Learned counsel for the respondent has vehemently opposed the transfer of the case on the ground that the distance the petitioner-wife would have to travel is merely 32 kms as also that the respondent is looking after his ailing mother and, hence, it would be difficult for him to travel to defend the case at Shaheed Bhagat Singh Nagar (Nawanshahr). It is further the contention of learned counsel for the respondent that although the petitioner has mentioned in the petition that she has no independent source of income, however, it is stated that the petitioner is a working woman.

Heard learned counsel for the parties.

In the present case, the undisputed facts are that the petitioner-wife is residing at Shaheed Bhagat Singh Nagar (Nawanshahr) along with her parents and she is looking after her three year old child. It is also not denied that a petition under Section 125 CrPC is already pending at Shaheed Bhagat Singh Nagar (Nawanshahr) in which the respondent has already put in appearance.

The argument raised by learned counsel for the respondent that the distance between the place of residence of the petitioner and the Court at Ludhiana is hardly 32 kms would be an argument which could also be raised by the other side inasmuch as that would be the distance the respondent-husband would need to travel to defend the case at Shaheed Bhagat Singh Nagar (Nawanshahr) and hence the same is rejected. The argument raised by the learned counsel qua the ailing mother of the respondent would not cut any ice inasmuch as on a query put by this Court as to whether the respondent leaves his mother alone everyday while going to attend his work the answer was in the affirmative.

Keeping in view the totality of the above-mentioned circumstances and the fact that the petitioner has a three year old minor child and she would have to travel a distance of approximately 60 kms (to and fro)

in order to defend the case at Ludhiana, I deem this to be a fit case for transfer of the petition i.e. *HMA/431/2021* titled as “*Mukesh Vs. Monika Rani*” filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Ludhiana to the Court of competent jurisdiction at Shaheed Bhagat Singh Nagar (Nawanshahr). Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Shaheed Bhagat Singh Nagar (Nawanshahr) and the parties shall appear there on 07.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

(ALKA SARIN)
JUDGE

18.11.2021
Yogesh Sharma

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