

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

205

TA-524-2020

Decided on : 11.02.2021

Poonam

... Petitioner

Versus

Akhilesh

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr.Sandeep Kumar, Advocate, for
Mr.Neeraj Sharma, Advocate, for the petitioner.

None for the respondent.

(The proceedings are being conducted through video conferencing,
as per instructions.)

G.S. Sandhawalia, J. (Oral)

Prayer in the present petition is for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 (Annexure P-1) case No.HMA/202/2020 titled *Akhilesh Vs. Poonam*, pending in the Court of Pincipal Judge, Family Court, Panchkula to a Court of competent jurisdiction at District Kaithal, being nearest and safest place as she is pregnant and cannot travel.

Respondent was served but there was no appearance on his behalf on 15.12.2020 and the position is same today also.

The primary contention raised by counsel for the petitioner is that the marriage was solemnized on 28.11.2019 and on account of the differences, FIR No.133 of 2020 was registered under Section 323, 34, 406, 498A IPC on 14.10.2020 against the respondent at Kaithal. The proceedings under Section 125 Cr.P.C. are also pending in the Family Court at Kaithal (Annexure P-4). It is, in such circumstances, submitted that it would be difficult for the petitioner-wife to travel from Kaithal to Panchkula. It is further submitted that even on an earlier occasion, it was noticed that the petitioner was expecting and therefore, it would be very difficult for her to travel in that condition.

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It is the case of the petitioner that the marriage had taken place at Kaithal as per the petition filed under Section 125 Cr.P.C. Thus, keeping in view the above, it would be in the interest of justice that the case is transferred at Family Court, Kaithal, keeping in view the other litigation initiated by the petitioner-wife, which is pending at Kaithal.

The Apex Court in **Sumita Singh Vs. Kumar Sanjay & another 2001 (10) SCC 41** held that the convenience of the wife must be looked at and, thus, the said principle would apply in the facts and circumstances of the present case.

Accordingly, the petition is allowed. The District & Sessions Judge, Panchkula shall forward case No.HMA/202/2020 titled *Akhilesh Vs. Poonam*, to the District & Sessions Judge, Kaithal, who shall mark it to the Court of competent jurisdiction. The parties shall put in appearance at Kaithal on 31.03.2021.

FEBRUARY 11, 2021

sailesh

**(G.S. SANDHAWALIA)
JUDGE**

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No