

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

TA-977-2021 (O&M)

Date of decision : 23.11.2021

Sangita

.....Petitioner(s)

Versus

Manoj Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Yashveer Kharb, Advocate for the petitioner.

Mr. A.S. Shera, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical hearing.

The present petition has been filed under Section 24 read with Section 151 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. **DMC/226/2020** titled as “**Manoj Kumar Vs. Sangeeta**” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Sonipat to the Court of competent jurisdiction at Panipat.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 22.11.2015 and out of the said wedlock a child, namely, Sanvi, was born on 05.08.2020. The petitioner is now residing at Panipat along with her parents and is looking after her one year old child. He would further contend that the petitioner in order to defend the case at Sonipat would have to travel a distance of approximately

60 Kms along with her minor child and it is not feasible for her financially or otherwise to travel to Sonipat on each and every date of hearing.

Learned counsel for the petitioner would further contend that there are already three cases being (i) a petition under Section 125 CrPC; (ii) a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and (iii) FIR No.158 dated 09.08.2021 registered under Sections 323/406/498-A/506/34 IPC at Women Police Station, Panipat, pending at Panipat.

Learned counsel for the respondent has vehemently opposed the transfer of the divorce petition. However, learned counsel for the respondent is not in a position to deny that there are three cases already pending at Panipat and that the distance the petitioner-wife would have to travel in order to defend the case at Sonipat is about 60 kms one way.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is now residing at Panipat along with her parents and she is looking after her one year old child and the distance between the place of residence of the petitioner and the Court at Sonipat is approximately 120 kms (to and fro). There are already three cases being (i) a petition under Section 125 CrPC; (ii) a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005; and (iii) FIR No.158 dated 09.08.2021 registered under Sections 323/406/498-A/506/34 IPC at Women Police Station, Panipat, pending at Panipat.

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. *DMC/226/2020* titled as “*Manoj Kumar Vs. Sangeeta*” filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Principal Judge, Family Court, Sonipat to the Court of competent jurisdiction at Panipat. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Panipat and the parties shall appear there on 24.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

23.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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