

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

TA-979-2021 (O&M)

Date of decision : 25.11.2021

Ankita Sharma

.....Petitioner(s)

Versus

Nitin Sharma

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Ajay Kamboj, Advocate for
Mr. Gurdarshan S. Sidhu, Advocate for the petitioner.

Mr. Nitin Sharma, respondent in person.

ALKA SARIN, J. (ORAL)

Heard in virtual 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/892/2020* titled as “*Nitin Sharma Vs. Ankita Sharma*” 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, Faridabad to the Court of competent jurisdiction at Sirsa.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 16.04.2016 and out of the said wedlock a child was born on 09.09.2019. The petitioner is now residing at Sirsa along with her parents and is looking after her two years old child. He would further contend that the petitioner in order to defend the case at

Faridabad would have to travel a distance of approximately 310 kms one

way along with her minor child and it is not feasible for her, financially or otherwise, to travel to Faridabad on each and every date of hearing. Learned counsel for the petitioner would further contend that there are already two cases being (i) a petition under Section 125 CrPC; and (ii) a petition under Sections 12, 18, 19, 20, 22 and 23 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act'), pending at Sirsa.

Mr. Nitin Sharma, respondent in person, states that he has no objection if the present petition is allowed and the petition under Section 9 of the HM Act filed by him is transferred to the Court of competent jurisdiction at Sirsa.

Heard learned counsel for the petitioner and the respondent appearing in person.

In view of the above and keeping in mind the fact that the petitioner-wife in the present case is residing at Sirsa and would have to travel a distance of more than 310 Kms (one way) in order to attend the proceedings before the Family Court at Faridabad on every date of hearing as also the fact that two cases at the instance of petitioner-wife i.e. (i) under Section 125 CrPC; and (ii) under Sections 12, 18, 19, 20, 22 and 23 of the DV Act, are already pending at Sirsa and the fact that the respondent has no objection to the transfer of the case, I deem this to be a fit case for transfer of the petition i.e. *HMA/892/2020* titled as “*Nitin Sharma Vs. Ankita Sharma*” filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Faridabad to the Court of competent jurisdiction at Sirsa. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Sirsa and the parties shall appear there on 09.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

25.11.2021
Yogesh Sharma

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