

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

-:-

TA No.990 of 2021(O&M)

Date of Decision: 22.12.2021

Savita Devi

....Petitioner

VERSUS

Narender Kumar Soni

....Respondent

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Atul Yadav, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (Oral)

Taken up in physical mode.

The present petition under Section 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(1)(i-a) of the Hindu Marriage Act, 1955 (hereinafter referred to as the 'HM Act') bearing No.HMA/411/2020 titled as "*Narender Kumar Soni Vs. Savita Devi*" pending in the Court of Additional Principal Judge (Additional Family Court), Pataudi, District Gurugram to the Court of competent jurisdiction at Gurugram.

Learned counsel for the petitioner would contend that presently the petitioner is residing with her parents at VPO Dhankot, Tehsil and District Gurugram (Haryana) and that she has to travel a distance of about 35 kms one way in order to attend the proceedings before the Additional Family Court at Pataudi, District Gurugram (Haryana). It is further contended that the petitioner has no independent source of income and, hence, it would not be feasible for her, financially or otherwise, to travel all the way to Pataudi,

District Gurugram (Haryana). It is further the contention that there are three other cases i.e. 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) proceedings in FIR No.101 dated 15.10.2020 registered under Sections 323, 34, 354, 498-A, 506, 509 IPC at Police Station Women West Gurugram, which are pending at District Court, Gurugram.

No one had put in appearance on behalf of the respondent on the last date of hearing despite service. Today again none has appeared on behalf of the respondent. The respondent is, hence, proceeded against ex-parte.

I have heard learned counsel for the petitioner.

In the present case the petitioner along with her children is residing with her parents at VPO Dhankot, Tehsil and District Gurugram (Haryana) and would have to travel a distance of about 35 kms in order to attend the proceedings before the Family Court at Pataudi, District Gurugram. The petitioner is stated to have no independent source of income. Additionally, three cases i.e. 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) proceedings in FIR No.101 dated 15.10.2020 registered under Sections 323, 34, 354, 498-A, 506, 509 IPC at Police Station Women West Gurugram, are pending at District Court, Gurugram.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent-husband under Section 13(1)(i-a) of the HM Act bearing No.HMA/411/2020 titled as

“Narender Kumar Soni Vs. Savita Devi” pending in the Court of Additional Principal Judge (Additional Family Court), Pataudi, District Gurugram to the Court of competent jurisdiction at Gurugram.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Gurugram and the parties shall appear there on **05.01.2022** at 10.00 a.m.

The present petition is disposed off in the above terms.

December 22, 2021
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(ALKA SARIN)
JUDGE

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