

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

TA-973-2021 (O&M)

Date of decision : 02.12.2021

Amritpal Kaur

.....Petitioner(s)

Versus

Gurwinder Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Amandeep Singh Saini, Advocate for the petitioner.

None for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24(1) of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. ***DMC/39/2021*** titled as “***Gurwinder Singh Vs. Amritpal Kaur***” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Family Court, Fatehgarh Sahib (Camp Court at Amloh) to the Court of competent jurisdiction at SAS Nagar (Mohali).

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 24.11.2019 and she is now residing at SAS Nagar (Mohali) along with her old aged parents and she has no independent source of income. He would further contend that the petitioner in order to defend the case at Fatehgarh Sahib (Camp Court at

Amloh) would have to travel a distance of more than 55 kms (one way) and it is not feasible for her, financially or otherwise, to travel to Fatehgarh Sahib (Camp Court at Amloh) on each and every date of hearing.

Learned counsel for the petitioner would further contend that two cases initiated by the petitioner being a petition under Section 9 of the HM Act and a petition under Section 125 CrPC, are already pending at SAS Nagar (Mohali).

As per the office report, service is complete. On the last date of hearing i.e. 17.11.2021, none had appeared on behalf of the respondent despite service. Today also no one has put in appearance on his behalf despite the matter being called twice. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

In view of the above and keeping in mind the facts that the petitioner, who is now residing at SAS Nagar (Mohali) along with her old aged parents and is having no source of income, would have to travel a distance of more than 110 kms (to and fro) to attend the proceedings at Fatehgarh Sahib (Camp Court at Amloh) as also the fact that two cases at the instance of the petitioner being a petition under Section 9 of the HM Act and a petition under Section 125 CrPC are already pending at SAS Nagar (Mohali), I deem this to be a fit case for transfer of the petition i.e. **DMC/39/2021** titled as “**Gurwinder Singh Vs. Amritpal Kaur**” filed by the respondent-husband under Section 13 of the HM Act pending in the Family

Court, Fatehgarh Sahib (Camp Court at Amlah) to the Court of competent jurisdiction at SAS Nagar (Mohali). Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, SAS Nagar (Mohali) and the parties shall appear there on 20.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

02.12.2021
Yogesh Sharma

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