

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

TA-1012-2021 (O&M)

Date of decision : 06.12.2021

Toni

.....Petitioner(s)

Versus

Anil

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Akash Mehta, Advocate for
Mr. Munish Gupta, 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 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. *HMA/446/2021* titled as “*Anil Vs. Tony*” 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, Jhajjar to the Court of competent jurisdiction at Narnaul, District Mohindergarh.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 24.11.2015 and they have been blessed with twins. The petitioner is now residing at Narnaul, District Mohindergarh along with her old aged parents and is looking after her twins.

The petitioner is stated to be having no independent source of income. He

would further contend that the petitioner, in order to defend the case at Jhajjar, would have to travel a distance of approximately 200 kms (to and fro) along with her twins and it is not feasible for her, financially or otherwise, to travel to Jhajjar on each and every date of hearing.

Learned counsel for the petitioner would further contend that one case initiated by the petitioner being a petition under Section 125 CrPC for grant of maintenance is already pending at Narnaul, District Mohindergarh.

As per the office report, service is complete. On the last date of hearing i.e. 26.11.2021 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 is now residing at Narnaul, District Mohindergarh along with her old aged parents, and is looking after her twins and that the petitioner is stated to have no independent source of income and she would have to travel a distance of approximately 200 kms (to and fro) to attend the proceedings at Jhajjar as also the fact that one case initiated by the petitioner being a petition under Section 125 CrPC for grant of maintenance is already pending at Narnaul, District Mohindergarh, I deem this to be a fit case for transfer of the petition i.e. **HMA/446/2021** titled as **“Anil Vs. Tony”** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of

Principal Judge, Family Court, Jhajjar to the Court of competent jurisdiction at Narnaul. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Narnaul and the parties shall appear there on 18.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

06.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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