

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

TA-1008-2021 (O&M)

Date of decision : 03.12.2021

Ashu

.....Petitioner(s)

Versus

SonuSoni

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Naveen Kumar, Advocate for the petitioner.

None for the respondent.

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. ***DMC/348/2021*** titled as “***Sonu Soni Vs. Ashu***” filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional Principal Judge, Family Court, Hisar to the Court of competent jurisdiction at U.T. Chandigarh.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 28.01.2012 and is now residing at U.T. Chandigarh along with her parents and is looking after her three minor children. She has no independent source of income. He would further contend that the petitioner in order to defend the case at Hisar would have to travel a distance of more than 240 kms. (one way) along with her

minor children and it is not feasible for her, financially or otherwise, to travel to Hisar 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 125 CrPC for grant of maintenance and a FIR No.83 dated 04.12.2020 registered under Sections 406/498-A IPC at Women Police Station, U.T. Chandigarh are already pending at Chandigarh.

As per the office report, service is complete. On the last date of hearing i.e. 25.11.2021, 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 residing at Chandigarh along with her parents and is looking after her three minor children and has no source of income and would have to travel a distance of more than 480 kms (to and fro) to attend the proceedings at Hisar as also the fact that two cases at the instance of the petitioner being a petition under Section 125 CrPC for grant of maintenance and a FIR No.83 dated 04.12.2020 registered under Sections 406/498-A IPC at Women Police Station, U.T. Chandigarh are already pending at Chandigarh, I deem this to be a fit case for transfer of the petition i.e. **DMC/348/2021** titled as **“Sonu Soni Vs. Ashu”** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Additional

Principal Judge, Family Court, Hisar to the Court of competent jurisdiction at U.T. Chandigarh. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, U.T. Chandigarh and the parties shall appear there on 08.02.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

03.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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