

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

TA-1006-2021 (O&M)

Date of decision : 02.12.2021

Jasvir Kaur

.....Petitioner(s)

Versus

Baljinder Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Deepak Aggarwal, 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 No.488 of 2021*** titled as “***Baljinder Singh Vs. Jasvir Kaur***” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Sangrur to the Court of competent jurisdiction at Ludhiana (Camp Court at Payal).

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 22.09.2018 and out of the said wedlock a child namely, Gursahib Singh, was born on 08.07.2020. The petitioner is now residing at Ludhiana and is looking after her one year and three months old child. He would further contend that the petitioner in order

to defend the case at Sangrur would have to travel a distance of more than 70 kms along with her minor child and it is not feasible for her, financially or otherwise, to travel to Sangrur 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 and a petition under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act') are already pending at Ludhiana (Camp Court at Payal).

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. He 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 Ludhiana and is looking after her one year and three months old child, would have to travel a distance of more than 150 kms (to and fro) to attend the proceedings at Sangrur as also the fact that two cases at the instance of the petitioner being a petition under Section 125 CrPC and a petition under Section 12 of the DV Act are already pending at Ludhiana (Camp Court at Payal), I deem this to be a fit case for transfer of the petition i.e. **HMA No.488 of 2021** titled as **“Baljinder Singh Vs. Jasvir Kaur”** filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Principal Judge, Family Court, Sangrur to the Court

of competent jurisdiction at Ludhiana (Camp Court at Payal). Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Ludhiana 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.

02.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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