

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

TA-1038-2021 (O&M)

Date of decision : 25.11.2021

Jyoti

.....Petitioner(s)

Versus

Kuldeep

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sandeep Siwach, Advocate for
Mr. M.S. Tewatia, Advocate for the petitioner.

Mr. S.K. Panwar, Advocate 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/114/2019* titled as “*Kuldeep Vs. Smt. Jyoti*” 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 District and Sessions Judge, Nuh to the Court of competent jurisdiction at Palwal.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 23.02.2017 and she is now residing at Palwal along with her parents. He would further contend that the petitioner in order to defend the case at Nuh would have to travel a distance of approximately 30 kms one way and it is not feasible for her, financially or otherwise, to travel to Nuh on each and every date of hearing. Learned

counsel for the petitioner would further contend that three cases at the instance of the petitioner 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 (in short the 'DV Act'); and (iii) FIR No.503 dated 26.09.2019 under Sections 323, 498-A, 406, 506 and 34 of the Indian Penal Code, 1860 (for short 'IPC') registered at Police Station City Palwal are already pending at Palwal.

Learned counsel for the respondent, on instructions, states that he has no objection if the present petition is allowed and the petition under Section 9 of the HM Act filed by the respondent-husband is transferred to the Court of competent jurisdiction at Palwal.

Heard learned counsel for the parties.

In view of the above and keeping in mind the fact that the petitioner-wife in the present case is residing at Palwal along with her parents and would have to travel a distance of more than 60 Kms (to and fro) in order to attend the proceedings before the Court at Nuh on every date of hearing as also the fact that three cases at the instance of petitioner-wife i.e. (i) a petition under Section 125 CrPC; (ii) a petition under Section 12 of the DV Act; and (iii) FIR No.503 dated 26.09.2019 under Sections 323, 498-A, 406, 506 and 34 of IPC registered at Police Station City Palwal, are already pending at Palwal and the fact that the respondent has no objection to the transfer of the case, I deem this to be a fit case for transfer of the petition i.e. **DMC/114/2019** titled as **“Kuldeep Vs. Smt. Jyoti”** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Additional

District and Sessions Judge, Nuh to the Court of competent jurisdiction at Palwal. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Palwal and the parties shall appear there on 06.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

25.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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