

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

206

TA No.563 of 2020

Decided on: 07.04.2021

Suman

... Petitioner

Versus

Shekhar Ram

... Respondent

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present: Mr. Robin Lohan, Advocate for the petitioner.

None for the respondent.

(The proceedings have been conducted through video
conferencing, as per instructions.)

G.S. Sandhawalia, J. (Oral)

The present petition has been filed under Section 24 CPC for transfer of the petition filed under Section 9 of the Hindu Marriage Act, 1955 bearing HMA No.298 of 2020 titled as 'Shekhar Ram Vs. Suman' pending before the Court of learned Additional Civil Judge (Senior Division), Moonak to the Family Court at Hansi, District Hisar.

The transfer is sought on the ground that the marriage of the petitioner was solemnized on 06.12.2019 with the respondent at village Narnaund, District Hisar. The petitioner-wife has already filed petition under Section 12 of the Domestic Violence Act before the Court of Judicial Class 1st Class, Hansi, District Hisar and proceedings under Section 498-A IPC are also pending before the said Court. It is stated that the Family Court at Moonak is about 100 Kms and, therefore, being a lady, it is very difficult for the petitioner to visit the said Court as expenditure has to be incurred not only for her but also for her companion.

The respondent-husband has chosen not to contest the petition though service has been effected upon him through his brother as per order dated 02.02.2021. Even today none has put in appearance on his behalf.

Accordingly, keeping in view the fact that the proceedings under Section 12 of the Domestic Violence Act and under Section 498-A IPC are already pending before the Court at Hansi, District Hisar, this Court is of the opinion that it would be just and appropriate that the Family (Camp) Court at Hansi, also takes cognizance of the petition under Section 9 of the Hindu Marriage Act, 1955.

The Apex Court in '**Sumita Singh Vs. Kumar Sanjay & another**' **2001 (10) SCC 41** held that the convenience of the wife must be looked at and, thus, the said principle would apply in the facts and circumstances of the present case.

Accordingly, the present petition is allowed. The District & Sessions Judge, Sangrur shall forward case bearing HMA No.298 of 2020 titled as 'Shekhar Ram Vs. Suman', to the District & Sessions Judge, Hisar, who shall mark it to the Court of competent jurisdiction. Parties shall put in appearance before the Court at Hansi on 10.05.2021.

April 07, 2021
Naveen

(G.S. SANDHAWALIA)
JUDGE

Whether speaking/reasoned:
Whether Reportable:

Yes/No
Yes/No