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

TA No.1043 of 2021 (O&M)

DATE OF DECISION: 01.12.2021

Aarti

.....Petitioner

versus

Rohit Sharma

.Respondent

CORAM:- HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. C.B. Goel, Advocate for the petitioner

None for the respondent

..

ALKA SARIN, J. (Oral):

Heard in physical mode.

The present petition under Section 24 of the Code of Civil Procedure, 1908, has been filed for transfer of the case being DMC/1390 of 2020 titled as *Rohit Sharma versus Aarti* pending in the Court of Principal Judge, Family Court, Patiala to a Court of competent jurisdiction at Kurukshetra.

Learned counsel for the petitioner would contend that the petitioner had initiated proceedings under Section 13 of the Hindu Marriage Act, 1955 (for short 'HM Act') for dissolution of marriage by a decree of divorce at Kurukshetra being HMA-4-2020 filed on 03.01.2020. After initiation of the said case and after the respondent had put in appearance therein, the present case (DMC/1390 of 2020) under Section 9 of the HM Act has been filed at Patiala only to harass the petitioner. It is

further the contention that the petitioner has no source of income and she is totally dependent on her brother, who also has a family to maintain. The petitioner is stated to have no independent source of livelihood. It is further contended that the petitioner would have to travel a distance of more than 100 kilometres one way to attend the proceedings in Patiala.

Notice of motion was issued on 02.11.2021. As per the service report, service is complete. However, none had put in appearance on behalf of the respondent on 29.11.2021 and the matter was adjourned to today. Today also none has put in appearance on behalf of the respondent and, hence, the respondent is ordered to be proceeded against *ex-parte*.

Heard.

In the present case, the petition under Section 13 of the HM Act was filed by the petitioner which is pending at Kurukshetra wherein the respondent has already put in appearance. It is thereafter that the respondent is stated to have filed a petition under Section 9 of the HM Act at Patiala for restitution of conjugal rights. The petitioner would have to travel a distance of more than 100 kilometres one way to attend the proceedings at Patiala. The petitioner is also stated not to have any source of income and she is totally dependent on her brother, who also has a family to maintain.

In view of the above, I deem it appropriate to allow the present petition and to transfer the petition filed by the respondent -husband under

Section 9 of the HM Act for restitution of conjugal rights being DMC/1390 of 2020 titled as *Rohit Sharma versus Aarti* pending in the Court of Principal Judge, Family Court, Patiala to the competent Court in Kurukshetra.

The records of the case shall be sent by the concerned Court at Patiala to the Court of the learned District Judge, Kurukshetra and the parties shall appear there on 10.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

01.12.2021
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NOTE:

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