

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

TA-1053-2021 (O&M)

Date of decision : 16.11.2021

Vandana

.....Petitioner(s)

Versus

Sumit Verma

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Antal, Advocate for the petitioner.

Ms. Manisha Nehra, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Taken up through video conferencing.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908, seeking transfer of the divorce petition i.e. *HMA/272 of 2021* titled as “*Sumit Verma Vs. Vandana*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional Principal Judge, Family Court (Camp Court at Samana), District Patiala to the Court of competent jurisdiction at Ambala.

Learned counsel for the petitioner would contend that the petitioner in order to contest the case at Samana, District Patiala would have to travel a distance of approximately 80 kms. one way. It has further been contended that the petitioner is not getting any maintenance and is residing at Ambala with her father who works as a labourer in a Karyana Store in Pansari Bazar, Ambala Cantt. and it would not be feasible for her financially

or otherwise to travel to Samana, District Patiala on each and every date of hearing. He would further contend that a petition under Section 9 of the HM Act is already pending in the Court concerned at Ambala.

Learned counsel for the respondent states that the husband is looking after his minor daughter who is 7 years' old and that the petitioner had left the house on her own accord. However, learned counsel for the respondent is not in a position to deny the fact that the distance the petitioner-wife has to travel from her place of residence to the Court concerned at Samana, District Patiala is about 160 kms. (to and fro) and that a petition under Section 9 of the HM Act is already pending in the Court concerned at Ambala.

Heard learned counsel for the parties.

In the present case, admittedly, the petitioner is residing with her father at Ambala and she, in order to contest the case at Samana, District Patiala, would have to travel a distance of approximately 80 kms. (one way). It is also an admitted fact that the proceedings under Section 9 of the HM Act initiated by the petitioner-wife are already pending in the Court concerned at Ambala.

Keeping in view the totality of the above-mentioned circumstances, I deem this to be a fit case for transfer of the divorce petition i.e. *HMA/272 of 2021* titled as “*Sumit Verma Vs. Vandana*” filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Additional Principal Judge, Family Court (Camp Court at Samana), District

Patiala to the Court of competent jurisdiction at Ambala. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Ambala and the parties shall appear there on 25.11.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

16.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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