

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

TA-1056-2021 (O&M)

Date of decision : 07.12.2021

Sunaina

.....Petitioner(s)

Versus

Rahul Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Gill, 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 read with Section 151 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. DMC/284/2021 titled as “*Rahul Kumar Vs. Sunaina*” filed by the respondent-husband under Section 9 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Abohar to the Court of competent jurisdiction at Hisar (Camp Court at Hansi).

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 02.12.2001 and out of the said wedlock, two daughters were born. One daughter, namely, Fiza has since expired. The petitioner is now residing at Hansi, District Hisar along with her widowed mother and daughter. The petitioner is stated to be having no

independent source of income. He would further contend that the petitioner in order to defend the case at Abohar would have to travel a distance of approximately 220 kms (one way) and it is not feasible for her, financially or otherwise, to travel to Abohar on each date of hearing. Learned counsel for the petitioner would further contend that a petition filed by the petitioner-wife under Section 12 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act') is already pending in the Court concerned at Hansi.

As per the office report, service is complete. On the last date of hearing i.e. 26.11.2021 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. The respondent is, therefore, proceeded against *ex parte*.

Heard learned counsel for the petitioner.

The petitioner is now residing at Hansi, District Hisar along with her widowed mother and daughter and has no source of income and would have to travel a distance of approximately 440 kms (to and fro) to attend the proceedings at Abohar. Further, a petition filed by the petitioner-wife under Section 12 of the DV Act is already pending in the Court concerned at Hansi. Keeping in view the totality of facts, I deem this to be a fit case for transfer of the petition i.e. DMC/284/2021 titled as **“Rahul Kumar Vs. Sunaina”** filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Abohar

to the Court of competent jurisdiction at Hisar (Camp Court at Hansi).

Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Hisar and the parties shall appear there on 10.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

07.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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