

TA-586-2020 (O&M)

Date of decision : 09.12.2021

Seema

.....Petitioner(s)

Versus

Sunil

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sanchit Punia, Advocate for the petitioner.

Mr. Madhur Singh, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in virtual mode.

CM-13385-CII-2021

This is an application for preponing the date of hearing in the main case.

Notice of the application.

Mr. Sanchit Punia, Advocate accepts notice on behalf of the non-applicant/petitioner and states that he has no objection if the present application is allowed and the date of hearing in the main case is preponed from 25.03.2022.

For the reasons stated in the application, the same is allowed and the date of hearing is preponed from 25.03.2022 to today. With the consent of learned counsel for the parties, the main case is taken on board today itself.

MAIN CASE

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. *HMA/434/2020* titled as “*Sunil Vs. Seema*” 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, Kaithal to the Court of competent jurisdiction at Hisar.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 27.06.2019 and out of the said wedlock one female child namely Molly was born. The petitioner is now residing at Hisar along with her parents and is looking after her minor daughter aged 4 years. He would further contend that the petitioner in order to defend the case at Kaithal would have to travel a distance of approximately 150 kms (one way) along with her minor daughter and it would not be feasible for her, financially or otherwise, to travel to Kaithal on each date of hearing.

Learned counsel for the petitioner would further contend that three cases initiated by the petitioner being a petition under Section 125 of the Code of Criminal Procedure, 1973; a petition under Sections 12/18/19/20/21 and 22 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act'); and a petition under Section 13 of the HM Act are already pending in the Court concerned at Hisar.

Learned counsel for the respondent on instructions states that he has no objection if the present petition is allowed and the petition filed by the respondent under Section 9 of the HM Act is transferred to Hisar. He also submitted that there is a chance of an amicable settlement between the parties and, hence, prays that the matter may be referred to the Mediation and Conciliation Centre.

Heard learned counsel for the parties.

The petitioner is now residing at Hisar along with her parents and is looking after her daughter aged 4 years and she would have to travel a distance of approximately 300 kms (to and fro) to attend the proceedings at Kaithal. There are three cases initiated by the petitioner being a petition under Section 125 CrPC; a petition under Sections 12/18/19/20/21 and 22 of the DV Act; and a petition under Section 13 of the HM Act, already pending in the Court concerned at Hisar. In view of the said facts I deem this to be a fit case for transfer of the petition i.e. *HMA/434/2020* titled as “*Sunil Vs. Seema*” filed by the respondent-husband under Section 9 of the HM Act, pending in the Court of Principal Judge, Family Court, Kaithal to the Court of competent jurisdiction at Hisar. Ordered accordingly.

Since the learned counsel for the respondent has stated that there is a chance of an amicable settlement between the parties, the concerned Court at Hisar shall first refer the matter to Mediation before proceeding with the matter on merits.

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 14.12.2021 at 10.00 a.m.

The present petition is disposed off in the above terms.

09.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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