

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

TA-1073-2021 (O&M)

Date of decision : 06.12.2021

Gori @ Gauri Sharma

.....Petitioner(s)

Versus

Avtar Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Gurpreet Singh Bhasin, 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. *HMA/276/2021* titled as “*Avtar Singh Vs. Gauri Sharma*” 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, Amritsar to the Court of competent jurisdiction at Bathinda.

Learned counsel for the petitioner would contend that this is the second marriage of the petitioner. The petitioner was earlier married to one Rahul and a daughter was born out of the wedlock. The petitioner was married to the respondent on 20.02.2011 and out of this wedlock a male child was born. The petitioner is now residing at Bathinda along with her parents and is looking after her two minor children. He would further

contend that the petitioner in order to defend the case at Amritsar would have to travel a distance of approximately 200 Kms (one way) along with her minor children and it is not feasible for her, financially or otherwise, to travel to Amritsar on each and every date of hearing. Learned counsel for the petitioner would further contend that one case initiated by the petitioner being a petition under Section 125 CrPC for grant of maintenance is already pending at Bathinda.

As per the office report, service is complete. On the last date of hearing i.e. 24.11.2021 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.

In view of the above and keeping in mind the facts that the petitioner is now residing at Bathinda along with her parents and is looking after her two minor children and she would have to travel a distance of approximately 400 kms (to and fro) to attend the proceedings at Amritsar as also the fact that one case initiated by the petitioner being a petition under Section 125 CrPC for grant of maintenance is already pending at Bathinda, I deem this to be a fit case for transfer of the petition i.e. i.e. ***HMA/276/2021*** titled as “***Avtar Singh Vs. Gauri Sharma***” filed by the respondent-husband under Section 9 of the HM Act pending in the Court of Principal Judge, Family Court, Amritsar to the Court of competent jurisdiction at Bathinda. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Bathinda and the parties shall appear there on 16.03.2022 (the date fixed in HMA/276/2021) at 10.00 a.m.

The present petition is disposed off in the above terms.

06.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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