

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

TA-1082-2021 (O&M)

Date of decision : 16.12.2021

Roop Kiran

.....Petitioner(s)

Versus

Daljeet Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Tarun Sharma, Advocate for the petitioner.

Mr. Paras Jagga, Advocate for the respondent.

ALKA SARIN, J. (ORAL)

Heard in physical mode.

The present petition has been filed under Section 24 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. DMC/826/2021 titled as ***“Daljeet Singh Vs. Roopkiran”*** (Annexure P-1) filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Patiala to the Court of competent jurisdiction at Ferozepur.

Learned counsel for the petitioner would contend that the petitioner has filed the following cases in the Courts concerned at Ferozepur:-

- i) A petition under Section 125 of the Code of Criminal Procedure, 1973 (CrPC) for grant of maintenance.*
- ii) a complaint under Sections 12, 19, 20, 21, 22, 23 of the Protection of Women from Domestic Violence Act, 2005 (in short the 'DV Act').*

iii) a complaint under Section 406 and 498 of the Indian Penal Code, 1860 (IPC).

It has further been contended that the litigations initiated by the petitioner are being pursued by her parents, who are residing at Ferozepur. She herself is residing at Patiala and has got employment on *ad hoc* basis at Patiala. Since she is working at Patiala, it would not be possible for her to pursue the divorce case.

Learned counsel for the respondent has vehemently opposed the transfer of the petition on the ground that the petition filed by the respondent-husband under Section 13 of the HM Act has been initiated at Patiala and the petitioner herself is admittedly residing at Patiala.

Heard learned counsel for the parties.

In the present case, the admitted fact is that the petitioner herself is residing at Patiala. Though some litigations have been initiated by the petitioner which are pending in the Courts concerned at Ferozepur, however, the same are admittedly being pursuing by her parents. There is no ground made out for transfer of the petition filed by the respondent-husband under Section 13 of the HM Act. Accordingly, the present petition is dismissed.

16.12.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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