

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

TA-1167-2021 (O&M)

Date of decision : 16.12.2021

Beant Kaur

.....Petitioner(s)

Versus

Gurmit Singh

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Sarvesh Kumar Gupta, Advocate
for the petitioner.

Mr. Khushkaran Kumar, 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 titled as ***“Gurmit Singh Vs. Beant Kaur”*** (Annexure P-1) filed by the respondent-husband under Section 13(1)(ia) of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Principal Judge, Family Court, Moga to the Court of competent jurisdiction at Sangrur.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 14.09.2007 and out of the said wedlock three children were born. The petitioner is now residing at Sangrur along with her parents and is looking after her three minor children. 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 Moga would have to travel a distance of approximately 90 kms (one way) along with her three minor children and it is not feasible for her, financially or otherwise, to travel to Moga on each and every date of hearing. Learned counsel for the petitioner would further contend that a complaint before the Women Cell, Sangrur is already pending at Sangrur.

Mr. Khushkaran Kumar, learned counsel appearing on behalf of the respondent, on instructions, has stated that he has no objection if the present petition is allowed and the petition filed by the respondent-husband (Annexure P-1) is transferred to Sangrur.

Heard learned counsel for the parties.

In the present case, the admitted facts are that the petitioner is now residing at Sangrur along with her parents and is looking after three minor children and she is having no independent source of income. She would have to travel a distance of approximately 180 kms (to and fro) in order to attend the proceedings at Moga. Further, learned counsel for the respondent, on instructions, has stated that the respondent has no objection to the transfer of the petition (Annexure P-1).

In view of the above, I deem this to be a fit case for transfer of the petition titled as “**Gurmit Singh Vs. Beant Kaur**” (Annexure P-1) filed by the respondent-husband under Section 13(1)(ia) of the HM Act pending in the Court of Principal Judge, Family Court, Moga to the Court of competent jurisdiction at Sangrur. Ordered accordingly.

The records of the case shall be sent by the concerned Court to the Court of the learned District Judge, Sangrur and the parties shall appear there on 11.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

**(ALKA SARIN)
JUDGE**

16.12.2021
Yogesh Sharma

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