

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

TA-917-2019 (O&M)

Date of decision : 29.11.2021

Pardeep Kaur

.....Petitioner(s)

Versus

Pardeep Kumar

.....Respondent(s)

CORAM: HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. S.S. Salar, 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 of the Code of Civil Procedure, 1908 seeking transfer of the petition i.e. *HMA/2798/2019* titled as “*Pardeep Kumar Vs. Pardeep Kaur*” filed by the respondent-husband under Section 13 of the Hindu Marriage Act, 1955 (in short the 'HM Act') pending in the Court of Additional Family Court, Ludhiana to the Court of competent jurisdiction at Sangrur.

In the present case the respondent had appeared in person on 03.02.2020 and on the request of learned counsel for the petitioner as well as the respondent in person, the matter was referred to the Mediation and Conciliation Centre of this Court. However, mediation failed and the matter was thereafter put up before this Court. The petitioner preferred an

application for early hearing of the matter in which notice was issued for 17.09.2021. On 17.09.2021, fresh notice was issued to the respondent for 13.10.2021 and yet again on 13.10.2021, fresh notice was issued to the respondent on deposit of process fee for 24.11.2021. On 24.11.2021, the matter was adjourned by order to today. Though service is complete, today again no one has put in appearance on behalf of the respondent despite the matter being called twice. Accordingly, the respondent is proceeded against *ex parte*.

Learned counsel for the petitioner would contend that the petitioner was married to the respondent on 20.08.2014 and out of the said wedlock a child namely, Javin Verma, was born on 13.11.2018. The petitioner is now residing at Sangrur along with her old aged father and is looking after her three years old child. He would further contend that the petitioner in order to defend the case at Ludhiana would have to travel a distance of approximately 90 kms (one way) from her place of residence along with her minor child. She has neither any source of income nor a single penny has been paid to her by the respondent-husband towards maintenance and there is no one in the family to accompany her in order to attend the proceedings at Ludhiana and, hence, it is not feasible for her, financially or otherwise, to travel to Ludhiana on each and every date of hearing.

Learned counsel for the petitioner would further contend that two cases initiated by the petitioner being a petition under Section 125 CrPC and a petition under Sections 12, 18, 19, 20, 22 and 23 of the Protection of

Women from Domestic Violence Act, 2005 (in short the 'DV Act'), are already pending at Sangrur.

Heard learned counsel for the petitioner.

In view of the above and keeping in mind the facts that the petitioner, who is now residing at Sangrur along with her old aged father and is looking after her three years old child and is having no source of income, would have to travel a distance of approximately 180 kms (to and fro) to attend the proceedings at Ludhiana as also the fact that two cases initiated at the instance of the petitioner being a petition under Section 125 CrPC and a petition under Sections 12, 18, 19, 20, 22 and 23 of the DV Act, are already pending at Sangrur, I deem this to be a fit case for transfer of the petition i.e. i.e. *HMA/2798/2019* titled as “*Pardeep Kumar Vs. Pardeep Kaur*” filed by the respondent-husband under Section 13 of the HM Act pending in the Court of Additional Family Court, Ludhiana 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 20.01.2022 at 10.00 a.m.

The present petition is disposed off in the above terms.

29.11.2021
Yogesh Sharma

(ALKA SARIN)
JUDGE

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